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June 5, 2004

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To Responsible Agencies, Trustee Agencies, and Interested Parties:

**RE: CASE NO. 2003.0029E – ONE RINCON HILL RESIDENTIAL DEVELOPMENT
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT**

A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. An Initial Study has also been prepared to provide more detailed information regarding the proposed project and the environmental issues to be considered in the Draft EIR. The NOP/Initial Study is either attached or is available upon request from **Carol Roos**, who you may reach at **(415) 558-5981** or at the above address. This notice is being sent to you because you have been identified as potentially having an interest in the project or the project area.

5/S

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Residential Development would involve the demolition of the Bank of America
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must review and consider the information contained in the EIR.

Comments concerning the scope of the EIR are welcomed. In order for your concerns to be fully considered throughout the environmental review process, we would appreciate receiving them by **July 6, 2004**. Written comments should be sent to Joan A. Kugler, Senior Planner, San Francisco Planning Department, 1660 Mission Street, Suite 500, San Francisco, CA 94103.

If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency.

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Project Description: The One Rincon Hill Residential Development would involve the demolition of the Bank of America ffice building, garage, and clock tower, totaling about 84,000 gross square feet (gsf), and construction of a residential evelopment with 703 units in two towers (one 450 and one 550 feet tall) and 17 townhouses, totaling 720 units in pproximately 895,740 gsf of residential space. The project would also include about 169,180 gsf of parking, 3,550 gsf of round-floor retail, and 62,810 gsf for additional uses, such as lobbies, fitness, mechanical, management, and loading. In total, e project would provide about 1,131,280 gsf of building space. The project would also provide about 49,000 square feet of rivate and common open space and 19,000 square feet of publicly accessible open space. The site is located on Assessor's lock 3765, Lots 1, 9, and 15 on the block bounded by Harrison Street to the north, First Street to the west, the Bay Bridge West Approach to the south, and the Fremont Street off-ramp to the east. A total of 375 independently accessible parking spaces ould be provided in a six-story above- and below-ground garage; lifts could be installed in the garage to approximately double e number of parking spaces. Two full-size loading spaces would be located on the ground level, accessible from Harrison treet. The project site is zoned RC-4 (Residential-Commercial-Combined, High-Density) and M-1 (Light Industrial) and is ithin the Rincon Hill Special Use District (SUD) currently planned for revision. The site is within a 200-R and an 84-X eight and Bulk District. If the separately proposed Rincon Hill Plan and Mixed Use District were not adopted, the project ould require rezoning concerning the percentage of common open space and to allow the proposed residential density, as well s for a Height and Bulk District reclassification.

As stated in the NOP, the Planning Department has determined that an EIR must be prepared for the proposed project prior to ny final decision regarding whether to approve the project. The purpose of the EIR is to provide information about potential gnificant physical environmental effects of the proposed project, to identify possible ways to minimize the significant effects, nd to describe and analyze possible alternatives to the proposed project. Preparation of an NOP or EIR does not indicate a ecision by the City to approve or to disapprove the project. However, prior to making any such decision, the decision makers ust review and consider the information contained in the EIR.

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you have questions concerning environmental review of the proposed project, please contact Carol Roos at 558-5981.

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NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date of this Notice: June 5, 2004

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street, 5th Floor, San Francisco, CA 94103-2414

Agency Contact Person: Carol Roos **Telephone:** (415) 558-5981

Project Title: 2003.0029E: One Rincon Hill Residential Development (formerly 425 First Street)
Project Sponsor: Rincon Ventures, L.L.C.
Project Contact Person: Steven L. Vettel, Attorney, (415) 268-6171

Project Address: 425 First Street **Assessor's Block and Lots:** Block 3765; Lots 1, 9, & 15
City and County: San Francisco

Project Description: The One Rincon Hill Residential Development would involve the demolition of the Bank of America office building, garage, and clock tower, totaling about 84,000 gross square feet (gsf), and construction of a residential development with 703 units in two towers (one 450 and one 550 feet tall) and 17 townhouses, totaling 720 units in approximately 895,740 gsf of residential space. In addition to the residential space, the project would include about 169,180 gsf of parking, 3,550 gsf of ground-floor retail, and 62,810 for additional uses, such as lobbies, fitness, mechanical, management, and loading. In total, the project would provide about 1,131,280 gsf of building space. The project would also provide about 49,000 square feet of private and common open space and 19,000 square feet of publicly-accessible open space. The site is located on Assessor's Block 3765, Lots 1, 9, and 15 on the block bounded by Harrison Street to the north, First Street to the west, the Bay Bridge West Approach to the south, and the Fremont Street off-ramp to the east. A total of 375 independently accessible parking spaces would be provided in a six-story above- and below-ground garage; lifts could be installed in the garage to approximately double the number of parking spaces. Two full-size loading spaces would be located on the ground level and would be accessible from Harrison Street. The project site is zoned RC-4 (Residential-Commercial-Combined, High-Density) and M-1 (Light Industrial) and is within the Rincon Hill Special Use District (SUD) currently planned for revision. The site is within a 200-R and an 84-X Height and Bulk District. If the separately proposed Rincon Hill Plan and Mixed Use District were not adopted, the project would require rezoning concerning the percentage of common open space and to allow the proposed residential density as well as for a Height and Bulk District reclassification, and to provide parking spaces that are not all independently accessible.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

Written comments on the scope of the EIR will be accepted until the close of business on July 6, 2004. Written comments should be sent to: Joan Kugler, Senior Planner, San Francisco Planning Department, 1660 Mission Street, Ste. 500, San Francisco, CA 94103.

State Agencies: We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency. Thank you.

June 3, 2004
Date

Joan A. Kugler for
Paul E. Maltzer, Environmental Review Officer

3 1223 07661 5104

ONE RINCON HILL RESIDENTIAL DEVELOPMENT
(FORMERLY 425 FIRST STREET)
INITIAL STUDY
2003.0029E

I. PROJECT DESCRIPTION

The project site, Lots 1, 9, and 15 in Assessor's Block 3765, is located in the Rincon Hill neighborhood of San Francisco on the block bounded by Harrison Street to the north, First Street to the west, the Bay Bridge West Approach to the south, and the Fremont Street off-ramp to the east (see Figure 1).[1] The 56,090 square-foot project site is occupied by a surface parking lot on its eastern side and a four-story office building (which includes a clock tower) and a three-story parking garage on its western portion. The 75,816 gross square-foot (gsf) vacant office building, covering approximately 36,500 square feet of the project site, was occupied by Bank of America until late 2002. The building's approximately 183-foot-tall triangular clock tower includes a digital clock and signage with the Bank of America logo on each face. The 8,100-square-foot, three-level parking garage and surface parking lot that front Harrison Street provide 94 and 54 spaces, respectively, for a total of 148 existing on-site spaces. Existing development on the site totals about 84,000 gsf.

The proposed project would include demolition of the site's existing structures and construction of a 720-unit residential development[2] on the site with a total of 1,131,280 gsf, a net increase of 1,047,364 gsf on the project site. The project would include 703 residential units in two towers, totaling 865,040 gsf of residential space. A 450-foot-tall, 44-story north tower would include 315 units, while a nearly 550-foot-tall, 54-story south tower would contain 388 units.[3] The project would also include a total of 17 stacked 2- and 3-story townhouses totaling 45 feet in height, including five on the ground level along Harrison Street, three on the ground level along First Street, and nine located on top of the ground-level units, totaling approximately 30,700 gsf of residential townhouse space. In total, the project would provide about 895,740 gsf of residential space. Additional uses, such as lobbies, fitness center, mechanical, and management offices would occupy approximately 59,110 gsf. A convenience retail space of 3,550 gsf would be provided in the ground floor of the north tower. See Figure 2 for a project site plan, Figure 3 for a representative building elevation (Harrison Street), and Figure 4 for the ground floor plan.

Typical residential tower floors would be 9,240 gsf and contain eight units, including a mix of junior one-bedroom, one-bedroom, two-bedroom, and three-bedroom units. The top five floors of each tower would be 8,100 gsf and provide four units each. Project-wide (towers and townhouses), unit sizes would range from approximately 620 gsf to 2,450 gsf. Altogether, the project would include 720 units, including approximately 320 junior one-bedroom units, 80 one-bedroom units, 280 two-bedroom units, and 40 three-bedroom units.

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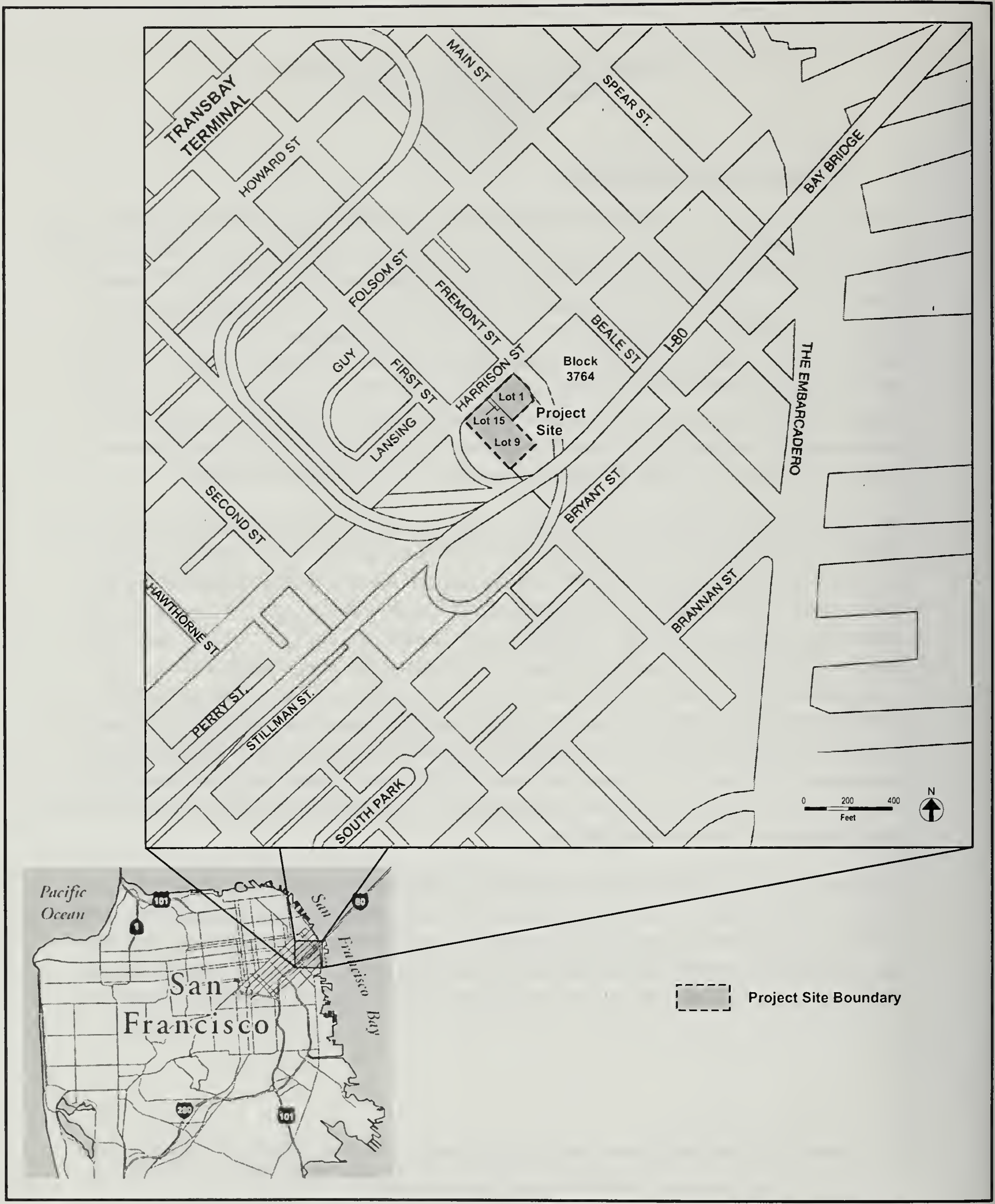
[1] City streets south of, and including, Market Street are oriented northwest-southeast (e.g., First, Beale) and northeast-southwest (e.g., Folsom, Harrison). To simplify the discussion, this Initial Study uses the convention of referring to northwest-southeast streets as north-south and referring to northeast-southwest streets as east-west.

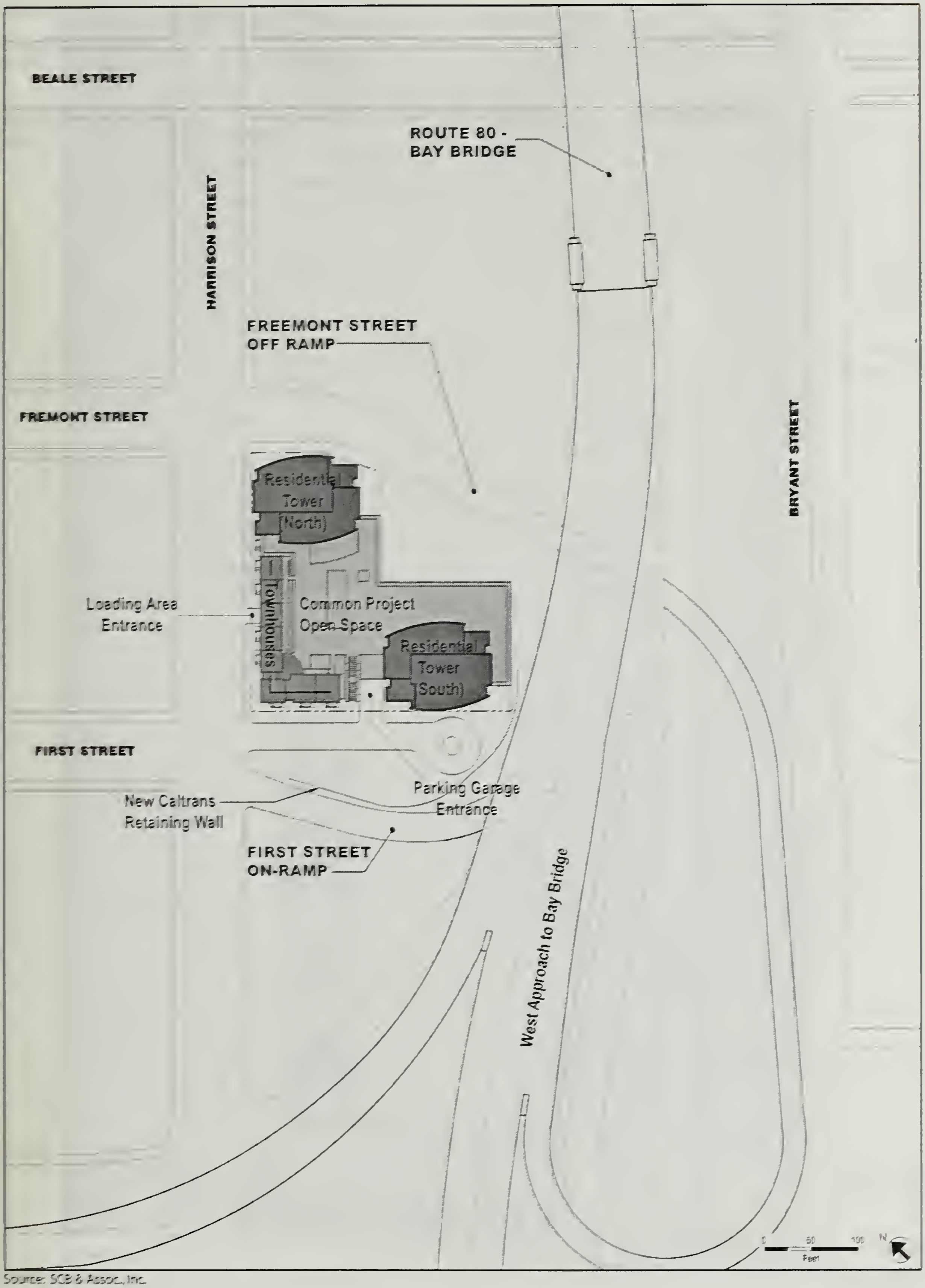
[2] The project sponsor has not yet determined if the project's units would be condominiums, rental apartments, or a combination.

[3] Heights are to the top of the residential levels of the towers. Atop the residential levels of each tower would be two mechanical levels and a parapet, totaling 42 feet. In total, the north tower would be 492 feet tall and the south tower would be 592 feet tall.



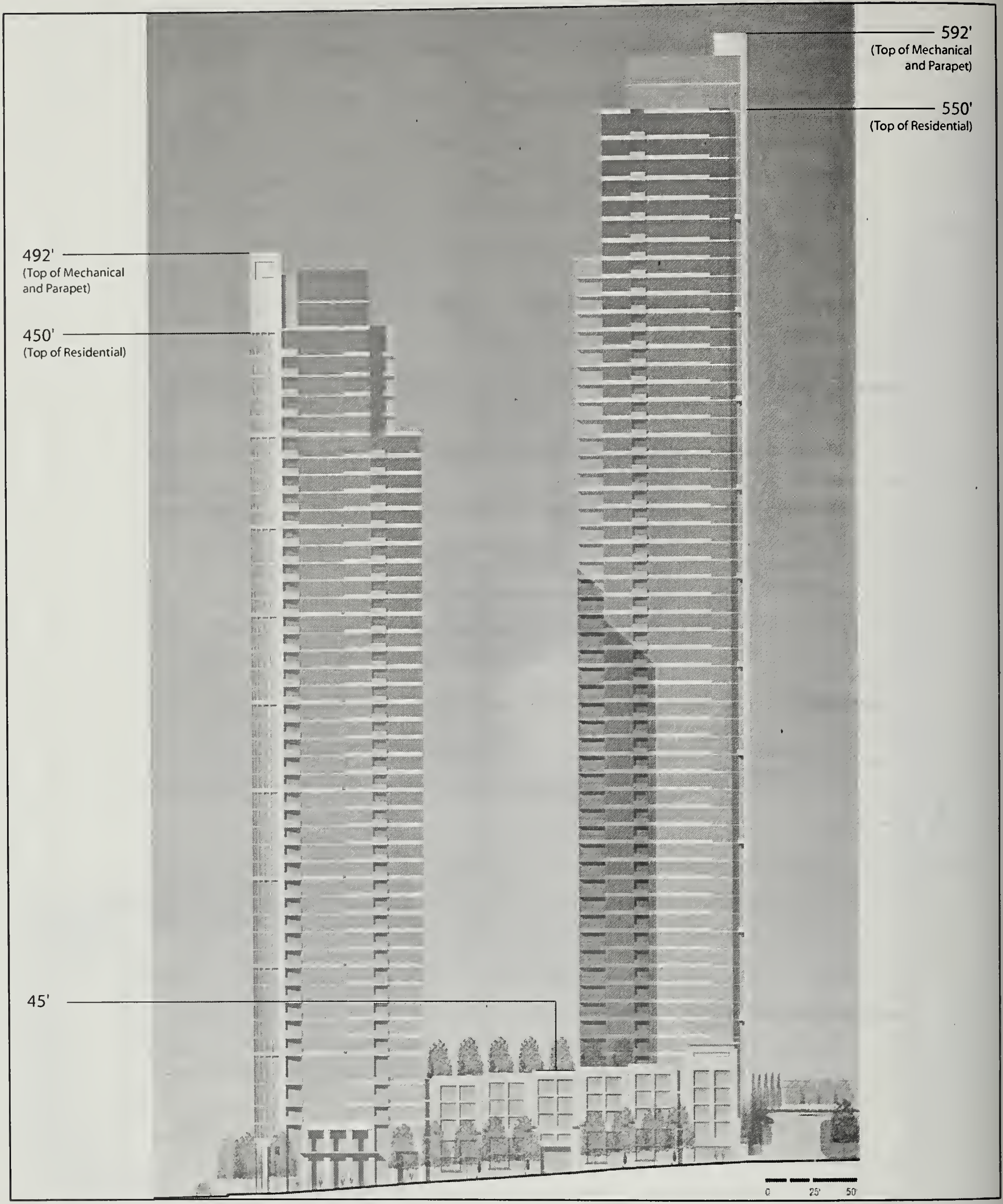
Source: EDAW

Figure 1 - Project Location



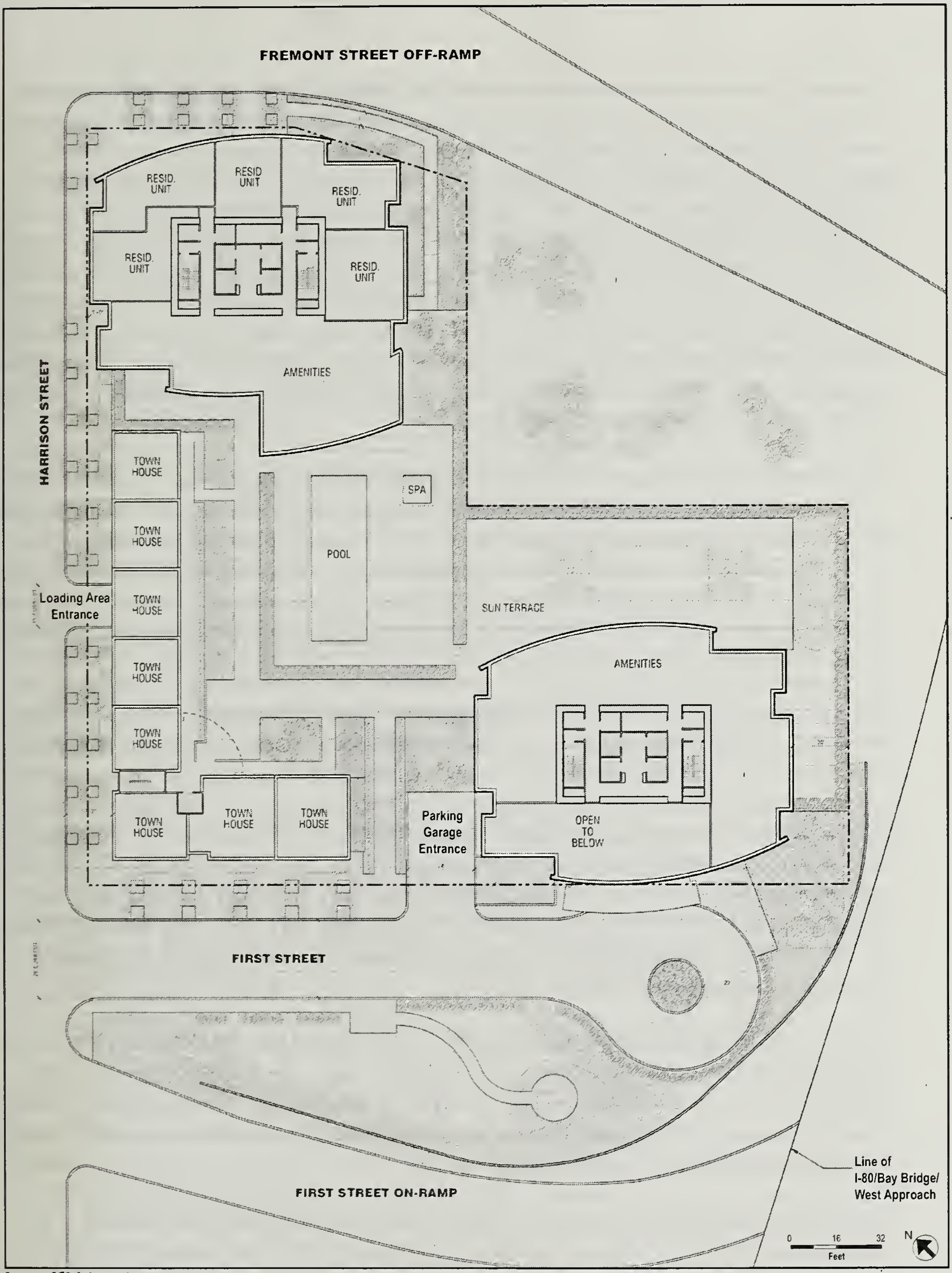
Source: SCB & Assoc., Inc.

Figure 2 - Project Site Plan



Source: SCB & Assoc., Inc.

Figure 3 - North Elevation (Harrison Street) with Outline of Bay Bridge in Background



Source: SCB & Assoc., Inc.

-··-·· Project Site Boundary

Figure 4 - Ground Level Plan

The project towers would sit atop two to five partial basement levels (due to the slope of the site downward from First Street to Fremont Street) containing parking, loading, bicycle parking, mechanical equipment, and tenant storage. Parking would also be provided on two additional partial above-grade levels. The parking levels, accessible from First Street, would provide 375 independently-accessible parking spaces (of which 15 would be handicapped accessible) in 169,180 gsf. In addition, the project sponsor seeks approval of car lifts, which could be installed in the parking levels to approximately double the capacity of the garage to up to 720 spaces. The Planning Code (Section 151) requires 720 spaces for the project (one independently-accessible space for each dwelling unit), of which 15 would be required to be handicapped-accessible (one space for every 25 parking spaces). If the Rincon Hill Plan and controls were not adopted, authorization to provide about one-half the project parking in non-independently accessible parking spaces would be sought by the project sponsor. A 3,700-square-foot loading area on the level directly accessible from Harrison Street would be able to accommodate two full-size loading spaces.

The project would provide approximately 49,000 square feet of common and private open space for the use of building residents. Common open space would include a landscaped terrace that would sit atop the parkin levels and include a swimming pool and spa. A glass wall of at least seven feet in height would line the terrace's southern and southeastern perimeter, providing a physical and acoustic sound barrier between the terrace and the adjacent Bay Bridge and approach. The project's fitness center and other residential amenitie would be located on the same level as the terrace. Private open space would include balconies and patios tha would be accessed from individual residences.

The project would also include 19,000 additional square feet of publicly accessible open space, including a widened sidewalk and landscaped areas along Harrison Street and a widened sidewalk and landscaping in the First Street public right-of-way (see Figure 4). A portion of this right-of-way, adjacent to the project site to the west, would be improved as a landscaped entry court. The remaining right-of-way would be improved to be a publicly accessible open space. All of the 35 existing on-street parking spaces located in the right-of-wa would be eliminated. The building would be set back approximately four feet to the townhouse entry steps a the ground level and nine feet to the face of the building from the northern and western property lines, increasing the width of the Harrison Street sidewalk (currently eight feet wide) to approximately 17 feet and the First Street right-of-way, enabling the installation of landscaping. Combined private and publicly accessible open space would total 68,000 square feet.

The existing building on the project site, constructed in 1941 and altered numerous times in the 1950s, is identified in the Rincon Hill Area Plan of the General Plan as a significant building and is one of eight buildings for which the existing Rincon Hill Plan indicates "preservation should be encouraged." The San Francisco Citywide 1976 architectural survey rated the building a "4" on a scale of 0 to 5 (with "5" being th highest rating) for architectural merit.

Project construction would be expected to occur in two back-to-back phases and take a total of approximately 38 months. Phase one, which would include demolition of the existing structures and construction of the parking levels, retail space, southwest tower and townhouses (totaling approximately 41 units), would take approximately 24 months, with the proposed building planned to open Spring 2007. Phas two, construction of the 305-unit north, tower would take an additional 14 months and would likely commence after completion of the first phase. The project architects are Solomon Cordwell Buenz & Associates Architects, of Chicago.

The project sponsor, Rincon Ventures LLC, proposes a merger of the site's three lots and seeks other project approvals contingent on approval by the Board of Supervisors of the revised proposed Rincon Hill Plan and Mixed Use District (MUD). The project has been designed to be consistent with and implement the proposed Area Plan and MUD, as described in the November 2003 draft for public discussion and the *Proposed Plan Refinements* published in March, 2004. Should the proposed Rincon Hill Plan and MUD not proceed as currently scheduled, the project sponsor would individually seek a rezoning (including a Height/Bulk district reclassification) for the site consistent with what the draft Plan (including the proposed refinements) proposes. The proposed rezoning if necessary, which requires approval by the Planning Commission and the Board of Supervisors, and signature by the Mayor, would change the provisions of the current Rincon Hill Special Use District (Planning Code 249.1) as they apply to the site concerning open space and residential density and non-individually accessible parking access, increase the site's two height limits (from 200 feet to 450 feet on the northern portion of the site and from 84 feet to 550 feet on the southern portion), and modify bulk controls. These changes also require a zoning map change and a zoning text change.

The project also requires either a revocable encroachment permit or a street improvement permit from the Department of Public Works (DPW) for the proposed use of the First Street right-of-way. The project also requires separate approval from DPW and the Department of Parking and Traffic for the provision of new curb cuts for entry to parking and the new entrance turnaround and drop-off (on First Street); new entry to loading dock accessed from Harrison Street; and replacement of curbs, gutters, and sidewalks (on Harrison Street).

The project is subject to the Residential Inclusionary Affordable Housing Program (Planning Code Sections 315 to 315.9). The project sponsor has yet to finalize how it would comply with Planning Code Section 315, but currently intends to do so by meeting the requirements on-site. The project is subject to Planning Code Section 295 (regarding shadow on property under the jurisdiction of the Recreation and Park Commission). Shadow effects in relation to Section 295 are discussed on page 25. This topic will be addressed in an Environmental Impact Report (EIR).

II. SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

A. EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

This Initial Study examines the proposed One Rincon Hill Residential Development project, to identify potential effects on the environment. On the basis of this study, project-specific and/or cumulative impacts that relate to land use, visual quality/urban design, population, transportation, operational air quality, wind, shadow, and historic architectural resources have been determined to be potentially significant, and will be analyzed in an EIR. The EIR may provide discussion of topics determined in this Initial Study not to be significant, for informational purposes.

B. EFFECTS FOUND NOT TO BE SIGNIFICANT

The following potential effects of the One Rincon Hill Residential Development project were determined either to be insignificant or to be mitigated through measures identified in this Initial Study that are included in the proposed project: noise, construction air quality, utilities/public services, biology, geology, water, energy, hazards, and archaeological resources. These items are discussed in Section III below, and require no further environmental analysis in the EIR.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Not Applicable	Discussed
1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.		X
2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.		X

The One Rincon Hill Residential project (formerly called 425 First Street) would require review by the Planning Commission, Department of Public Works, the Department of Parking and Traffic, and potentially the Board of Supervisors if a rezoning is necessary, in the context of the City and County of *San Francisco General Plan* (General Plan) and other relevant plans.

The General Plan provides general policies and objectives to guide land use decisions. The proposed project is within that part of San Francisco covered by the Rincon Hill Area Plan, an area plan of the General Plan. Other relevant parts of the General Plan include the Residence, Transportation, Community Safety, and Urban Design Elements. The proposed project could conflict with certain General Plan policies and could be consistent with others. If the project, on balance, were to have substantial conflicts with General Plan goals and policies, it could not be approved. In general, potential conflicts with the General Plan are considered by the decisions-makers (normally the Planning Commission) independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Any potential conflict not identified here could be considered in that context and would not, in and of itself, alter the physical environmental effects of the proposed project. As such, any potential conflicts with the General Plan would not have an environmental impact. The relationship of the proposed project to objectives and policies of the General Plan will be discussed in the EIR.

The San Francisco Planning Code, including the City Zoning Maps, implements the General Plan and governs permitted uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless: 1) the proposed project conforms to the Code; 2) an allowable exception is granted pursuant to provisions of the Code; or 3) an amendment to the Code is made.

The project site is located in the Rincon Hill Special Use District (SUD) (Planning Code Section 249.1). The Planning Code divides the Rincon Hill SUD into two subareas: a Residential Subarea, located at the core of the SUD; and a Commercial/Industrial Subarea, located mostly along the perimeter of the SUD. The northern portion of the project site is within an RC-4 (Residential-Commercial-Combined, High-Density) Use District and the Residential Subarea of the SUD, while the southern portion is in an M-1 (Light Industrial) Use District and the Commercial/Industrial Subarea. Planning Code Section 249.1 describes controls for site coverage and sidewalk treatment, uses, open space, density, and parking for the area, including the project site.

The project site is within 200-R (northern portion of the site) and 84-X (southern portion of Lot 9) Height and Bulk Districts (200- and 84-foot basic height limits, respectively; the "R" bulk district indicates there are 200-foot maximum allowable length and diagonal plan dimensions above 51 feet and 110-foot maximum length and 125-foot maximum diagonal dimension limits above 105 feet, while the "X" bulk limit indicates that there are no bulk requirements). The height of the 450- and 550-foot-tall project buildings would not be allowable as proposed under current controls. If the proposed Rincon Hill Plan and MUD are not adopted, the project sponsor would apply for rezoning (which would require the approval of the Planning Commission and the Board of Supervisors, as well as the signature of the Mayor), including a height/bulk district reclassification (a map amendment) that would change the northern portion of the site from 200 feet to 450 feet and the southern portion of the site from 84 feet to 550 feet, and modify bulk controls.

As described above, the project site is located within the Rincon Hill SUD. The district was created by the Rincon Hill Area Plan of the General Plan, in which the project site is located. The Planning Department has published a draft proposal to create a new Rincon Hill MUD that would replace the current Rincon Hill SUD. The MUD, as currently drafted, would increase height limits and make other changes intended to stimulate high-density residential development in the Rincon Hill neighborhood. In relation to the project site, the MUD would increase the allowable height on the portion of the project site that is currently in a 200-R Height/Bulk District to 450 feet, and would increase the allowable height on the portion of the site in the 84-X Height/Bulk District to 550 feet. Amendments to the General Plan and Planning Code, including text and zoning map changes, would be required for the Rincon Hill MUD, or for the project if the MUD were not adopted, as indicated above. The Planning Department has initiated preparation of an EIR for the Rincon Hill Plan/MUD proposal. The MUD requires environmental review and adoption by the Planning Commission and Board of Supervisors prior to implementation. The proposed project would be consistent with the Rincon Hill Plan/MUD, as currently proposed.

Environmental plans and policies, like the *Bay Area 1997 Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

On November 4, 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Commission to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles;

protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the *California Environmental Quality Act* (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The case reports for the project approvals and project rezoning and/or subsequent motions of the Planning Commission and the Board of Supervisors will contain the analysis determining whether the proposed project is in conformance with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

Except for the topics of land use, visual quality/urban design, population, transportation, operational air quality, wind, shadow, and historic architectural resources as discussed above, items on the Initial Study Checklist herein have been checked "No" indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect in those areas checked "No". For items where the conclusion is "To Be Determined," the analysis will be conducted in the EIR. Several checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion of those particular issues. For all of the items checked "No" without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience on similar projects, and/or standard reference material available within the Planning Department, such as the Department's Transportation Guidelines for Environmental Review, or the California Natural Diversity Database and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1) Land Use. Could the project:	Yes	No	Discussed
(a) Disrupt or divide the physical arrangement of an established community?		X	X
(b) Have any substantial impact upon the existing character of the vicinity?	To be determined		

The project site is situated along the south side Harrison Street, immediately to the north of Interstate 80 (specifically, the Bay Bridge West Approach), to the east of First Street and the First Street on-ramp to the Bay Bridge, and immediately to the west of the Fremont Street off-ramp from the Bay Bridge.

The project site is situated in the Rincon Hill neighborhood, two blocks to the south of the proposed Transbay Redevelopment Project Area and within two blocks north of the Rincon Point-South Beach Redevelopment Plan Area. Much of Rincon Hill is in transition from an industrial district with surface parking to a predominately high-rise residential district. A number of high-density residential buildings containing about 1,100 units have been built in the Rincon Hill SUD, and projects totaling about 3,200 additional units are under construction, approved, or under formal review.

Land uses in the vicinity of the project site are primarily high-density residential, but also include retail, office, light industrial, and institutional uses, and major transportation facilities. There are existing residential developments in the RC-4 District to the northwest and northeast of the project site. Within a few blocks of the site there are a number of existing residential buildings, including: the nine-story, 158-unit Portside II building (at 403 Main Street), three blocks to the east of the site; the 13-story, 288-unit Bay Crest building (at 201 Harrison Street), two blocks east of the site; the 26-story, 245-unit Bridge View Tower (at 400 Beale Street), one block east of the site; and the 20-story, 226-unit Avalon Towers at 388 Beale Street, one block to the north. Along with these nearby residential buildings, there are also several multi-story office and older industrial buildings in the Rincon Hill area. Directly across Harrison Street from the project site to the north is the Sailor's Union of the Pacific building, which functions primarily as office space and is available for use as an event space.

The Board of Supervisors recently approved two 820-unit residential projects on the site of surface parking lots at 300 Spear Street, three blocks to the north of the site, and at 201 Folsom Street, two blocks to the north of the site. A third residential development (288 units) is currently under construction at 333 First Street, one-half block northwest of the site. The proposed project (720 units) and other proposed development at 333 Fremont Street (88 units), 375 Fremont Street (250 units), and 385/399 Fremont Street (300 units) are recently proposed residential developments in the Rincon Hill SUD area.

Public open space in the greater vicinity of the project site includes Rincon Park between Howard and Folsom Streets on The Embarcadero, South Park on the south side of Interstate 80, and South Beach Park between Townsend and Second Streets on the Bay side of The Embarcadero. The Draft Rincon Hill Plan proposes that the City purchase from Caltrans the vacant parcel at the southeast corner of Fremont and Harrison Streets across Fremont Street from the project site to create an approximately 1.5-acre park. The City and Caltrans are currently in negotiations regarding the property.[4]

The 56,090-square-foot project site is currently occupied by a surface parking lot on its eastern side and the four-story Bank of America office building (which includes a clock tower) and three-story garage on its western portion. The existing office building includes 75,816 gsf of space and the garage includes 8,100 square feet, for a total of 83,916 gsf existing. The 183-foot tall triangular clock tower contains no usable space and is used for display and advertising. The surface parking and three levels of garage parking provide space for 148 vehicles.

The proposed 44-story and 54-story residential towers and 17 townhouses, which would total approximately 1,131,280 gsf, would introduce residential and retail uses to the project site, increase parking, and result in an increase in intensity relative to the existing land use, given that the existing building consists of four stories of office space, vacant since late 2002. However, the project would not alter the general land use or character of the immediate Rincon Hill area, which includes existing and under-construction high-rise residential buildings in this growing residential area of the City.

The project would be similar in use to a growing number of multi-unit high-rise residential buildings in the immediate vicinity in Rincon Hill and South Beach. Both the existing Rincon Hill SUD and proposed Rincon

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[4] Josh Switzky, San Francisco Planning Department, telephone conversation with Dan Cohen, EDAW, Inc., April 26, 2004.

Hill MUD, currently under environmental evaluation by the Planning Department, envision high-rise residential development in this neighborhood.

The project would be developed within the existing block configuration and therefore would not disrupt or divide the neighborhood. As indicated, the site is adjacent on three sides to major transportation facilities, under the jurisdiction of the State Caltrans agency. They include the Interstate 80 (the Bay Bridge West Approach) abutting the site to the south, the Fremont Street off-ramp adjacent on the east, and the First Street on-ramp adjacent to the site on the west. The construction schedule of the proposed project would overlap with the seismic retrofit of the Bay Bridge West Approach. Work on the West Approach will be conducted throughout the construction duration of the project, estimated by Caltrans to be completed Winter 2009. Work on the West Span is expected to be completed in the summer of 2004, and thus would not overlap with project construction.[5] The potential environmental impacts associated with the overlap of these construction efforts will be discussed in greater detail in the EIR, in appropriate topic sections. Caltrans construction, in relation to the project, would not affect land use, and it would be limited in duration.

In view of the above, project specific land use impacts require no further study. They will be described in the EIR for informational purposes only. The project's potential cumulative land use effects will be analyzed in the EIR to determine if they would be significant, particularly with respect to changes in the area due to the project and the other projects currently under environmental review.

2) Visual Quality. Could the project:	Yes	No	Discussed
(a) Have a substantial, demonstrable negative aesthetic effect?		To be determined	
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?		To be determined	
(c) Generate obtrusive light or glare substantially impacting other properties?		To be determined	

As described above, the site is occupied by a four-story office building (approximately 50 feet tall), which includes a triangular 183-foot-tall signature clock tower; a three-story garage (approximately 35 feet tall on Harrison Street); and surface parking, all in a complex set against the hill that rises along First Street. The proposed project would visually change the project site as it would consist of both the demolition of the existing structures and surface parking, and the construction of a new residential development including two towers of 450 feet and 550 feet tall (44 and 54 stories) in their place.

The proposed development would differ visually from the existing structures in height, mass, and architectural style. There is a wide range of building styles in the area, especially amongst the high-rise residential towers that have recently been constructed or proposed for development in the Rincon Hill area. To further analyze the potential for substantial negative aesthetic and view corridor effects, the EIR will discuss visual quality and urban design in terms of project-specific and cumulative visual quality effects, and provide visual simulations of the proposed buildings in the context of existing conditions. The EIR will discuss the project's potential impact, if any, on scenic views currently available from public areas including the Bay Bridge, First Street, and Harrison Street, and consider pedestrian, mid-range, and long-range views.

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[5] See Caltrans West Approach website: http://www.dot.ca.gov/dist4/safer

The project is not expected to generate unusual light or glare. However, because of the project's proximity to major transportation facilities, the EIR will consider glare in its analysis of visual quality.

3) Population. Could the project:	Yes	No	Discussed
(a) Induce substantial growth or Concentration of population?	To be determined		
(b) Displace a large number of people (involving either housing or employment)?		X	X
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?		X	X

The proposed project would demolish the existing 75,816 square-foot vacant Bank of America office building and adjacent garage and the surface parking on the project site. The building site was vacated in late 2002. At full occupancy, the existing building could have accommodated approximately 276 office employees.[6] The Bank of America employees that formerly worked at this site that still work for the company have been relocated to other office space in downtown San Francisco.[7]

San Francisco consistently ranks as one of the most expensive housing markets in the United States. San Francisco is the central city (and most urban place) in an attractive region known for its agreeable climate, open space, recreational opportunities, cultural amenities, diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong housing demand in the City. New housing to relieve the market pressure created by the strong demand is particularly difficult to provide in San Francisco because the amount of land available for residential use is limited, and because land and development costs are high.

The One Rincon Hill Residential Development project use would be consistent with the existing Rincon Hill Plan and proposed MUD, which call for high density residential use in this area near the downtown. A majority of those that are able to live in the Rincon Hill area could be employed in the downtown San Francisco area and walk to/from work.

During the period of 1990-2000, the number of new housing units completed citywide ranged from a low of about 379 units (1993) to a high of 2,065 units (1990) per year. The citywide annual average over that 11-year period was about 1,130 units.[8] In March 2001, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Determination (RHND) 1999-2006 allocation. The jurisdictional need of the City for 2006 is 20,372 dwelling units, or an average yearly need of 2,716 net new dwelling units. The proposed project would add 720 residential units to the City's housing stock towards meeting this need. The project would be expected to include approximately 10 retail employees[9] and a relatively small number of parking, janitorial, building maintenance and management employees. Therefore, the proposed project would not create substantial demand for new housing because it would provide housing and would not generate a substantial number of new employees.

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[6] Based on a standard multiplier of 275 sq. ft. per office employee (75,816 sq. ft./275 sq. ft. per employee = 276 employees), based on San Francisco Planning Department transportation analysis guidelines and Keyser Marston Associates, Inc., *San Francisco Cumulative Growth Scenario: Final Technical Memorandum*, prepared for the San Francisco Redevelopment Agency, March 30, 1998.

[7] Information provided by Ken Reza, Portsmouth Holding Partners of the project team.

[8] San Francisco Planning Department, *Data and Needs Analysis – Part 1 of the 2001 Housing Element Revision*, June 1, 2001, p. 23.

Housing demand, in and of itself, is not a physical environmental effect. An imbalance between local employment and housing, however, can lead to long commutes with corresponding traffic and air quality impacts. (Traffic and air quality impacts of the project and cumulative impacts are discussed in those topic sections).

As stated above, there is substantial demand for new residential units in San Francisco. Based on a household density factor of about 1.35 persons per dwelling unit,[10] the proposed development is estimated to accommodate approximately 972 people (1.35 x 720). Currently, there are no residential units on the site. Substantial amounts of new residential units have been built recently or are under construction in the Rincon Hill area, including the recently occupied 248-unit Bridge View Tower on Beale Street, the 288 units under construction at First and Folsom Streets (333 First), 51 approved units at 325 Fremont Street, and two 820-unit residential projects recently approved by the City, one at 201 Folsom Street and one at 300 Spear Street. While noticeable to immediately adjacent neighbors, the increase in the number of residents on the project site would not substantially increase the area-wide population, and the resulting density would not exceed levels that are common and accepted in high-density urban areas such as San Francisco. The project-generated population increase would not be a significant effect; however, the project would contribute to the overall cumulative population growth of the Rincon Hill area.

After construction, project job creation or employment would be limited to the approximately 10 retail jobs associated with the project's 3,550 gsf of retail space and the service jobs associated with operating and maintaining the proposed residential complex and retail. The proposed project would provide 720 dwelling units for about 972 people. Project employment, even if it were to represent all new residents to the City, would not result in a substantial contribution to overall housing demand, and would not be considered significant. The project would not be expected to induce substantial new residential or commercial growth not already planned for. Bank of America relocated all of the employees who worked in the on-site office space in late 2002; therefore the project would not displace any employees.

Based on the above analysis, no significant physical environmental effects on housing demand or project-specific population would occur due to the project itself, and these issues require no further analysis in the EIR. As noted above, the EIR will consider the project population in relation to cumulative impacts of residential development in the Rincon Hill area and will include project specific material for informational purposes.

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[9] Based on a standard multiplier of 350 sq. ft. per retail employee (3,550 sq. ft./350 sq. ft. per employee = 10.2 employees), based on San Francisco Planning Department transportation analysis guidelines and Keyser Marston Associates, Inc., *San Francisco Cumulative Growth Scenario: Final Technical Memorandum*, prepared for the San Francisco Redevelopment Agency, March 30, 1998.

[10] City and County of San Francisco Planning Department and San Francisco Redevelopment Agency, *Mission Bay Final Subsequent Environmental Impact Report*, Planning Department File No. 96.771 E, Volume IV, Appendices, Table C.6, p. C.4 certified September 17, 1998.

4) Transportation/Circulation – Could the project:	Yes	No	Discussed
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	To be determined		
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	To be determined		
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	To be determined		
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	To be determined		

The proposed residential uses of the project would place demands on the local transportation system, including increased traffic, transit demand, and parking demand. The EIR will discuss project effects related to transportation and circulation, including intersection operations, transit demand, and impacts on pedestrian circulation, parking, bicycles, and freight loading, as well as construction impacts. The analysis will take into account the Bay Bridge retrofit, West Approach and East Span[11] construction activities, the City's proposed rezoning of the Rincon Hill area as a whole, and the proposed transit-oriented development associated with the Transbay Terminal/Caltrain Downtown Extension project.

5) Noise. Could the project:	Yes	No	Discussed
(a) Increase substantially the ambient noise levels for adjoining areas?		X	X
(b) Violate Title 24 Noise Insulation Standards, if applicable?		X	X
(c) Be substantially impacted by existing noise levels?		X	X

As part of the project sponsor's application process to the Department of Housing and Urban Development (HUD) for insurance underwriting,[12] a noise study was prepared by the EIR consultant to assess the project's compatibility with HUD noise standards,[13] using HUD's noise assessment methodology.[14] This study was also reviewed by Planning Department Staff. In summary, regarding exterior noise, the study found that projected future noise levels in 2010, generated primarily by vehicle traffic on Interstate 80 (the West Approach of the Bay Bridge (located immediately to the south of the project site), would result in an estimated average outdoor noise level on the project site of 79 dBA L_{dn}.[15] Based on HUD's standards, the projected noise levels would be considered "Unacceptable" for a residential project. Regarding interior noise levels in the project units, noise insulation measures included in the project design, and the project's required compliance with State interior noise insulation requirements, would insure that noise impacts on residents of the proposed project would not be significant. A more detailed explanation of the project's potential effects on noise and the manner in which ambient noise conditions would affect the project is provided below.

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[11] See Caltrans website for schedule: http://www.dot.ca.gov/dist4/eastspans.

[12] As part of the proposed project's financing, it is possible that HUD would insure the project's permanent loan. For HUD-insured projects, specific design standards and site requirements must be met. These standards are not official environmental impact standards, but rather underwriting criteria.

[13] HUD requires an assessment of existing and future noise impacts from roadway, aircraft, and railroad noise sources within the project area if a proposed residential project assisted by HUD is located within 15 miles of a military or civilian airport, 1,000 feet from a roadway, or 3,000 feet from a railway. The project site is less than 1,000 feet from a roadway.

[14] EDAW, Inc., *One Rincon Hill Noise Study*, April 29, 2003. This report is on file with the Planning Department, 1660 Mission Street, San Francisco, and is available for public review as part of the project file. Also on file is a letter dated April 28, 2004 from Bill Maddux, Environmental Planner, EDAW, Inc., confirming the applicability of the April, 2003 noise study with the revised project design (revised in January, 2004).

Existing Ambient Noise Conditions

Outdoor noise in the project area includes numerous sources. The most substantial existing source of noise throughout most of San Francisco is traffic. This is especially true of the project area because of its proximity to Interstate 80, the Transbay Transit Terminal bus ramps, the First Street on-ramp to the Bay Bridge, and the Fremont Street off-ramp from the Bay Bridge. The project site is adjacent to the Bay Bridge West Approach and the Fremont and First Street ramps. Non-traffic noise sources in the area include temporary noise associated with construction in the vicinity, such as that associated with the Bay Bridge West Span and West Approach seismic retrofit.[16] Within two blocks of the project site are a number of residential buildings that are similarly located near the Bay Bridge West Approach and are therefore subject to an ambient noise environment similar to that of the project site. These developments include Bay Crest at 201 Harrison Street, Avalon Towers at 388 Beale Street, Bridge View Tower at 400 Beale Street, and Portside II at 403 Main Street.

As part of the noise study for the proposed project, the consultant conducted site noise measurement surveys on Wednesday, April 9, 2003, between 11:00 a.m. and 3:00 p.m.[17] Noise measurements were made at four locations: 50 feet southeast of the centerline of Harrison Street, 115 feet northwest of the centerline of the Bay Bridge, 50 feet southwest of the centerline of the Fremont off-ramp, and 50 feet northeast of the centerline of the First Street on-ramp. The four measurement locations were chosen because they are near noise sources adjacent to the project site and are representative locations on the project site that could be affected by noise from all four directions. The results of the site noise surveys found that the predominant noise source was from traffic on the Bay Bridge West Approach, adjacent to the project site to the south. Noise levels from this roadway are 7.8 dBA to 9.6 dBA louder than from the other surrounding roadways. Existing noise levels were measured to range from 67.6 dBA L_{eq} to 77.2 dBA L_{eq}.[18]

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[15] dBA represents "A-weighted" decibels, the noise scale which weights the frequencies to which humans are sensitive. This scale is commonly used for noise measurements. dBA L_{dn} (also expressed as DNL) represents the day-night average sound level and is based on 24 hours of measurement. This noise metric adds a 10 dBA penalty to noise produced during nighttime hours when most people sleep (10 p.m. to 7:00 a.m.). This metric is not calculated from the ambient L_{eq} levels; rather, it is derived from a model using traffic volumes and other inputs.

[16] Caltrans West Approach home page: www.dot.ca.gov/dist4.

[17] In accordance with Federal Highway Administration noise modeling procedures, noise measurements were taken during the midday because it is during these hours that the greatest traffic volumes at full speed occur, thereby providing the loudest, and therefore most conservative, noise conditions. During the peak hours, traffic moves more slowly and results in less noise.

[18] dBA L_{eq} represents the average noise level over the period of an hour. The measurements reported here were adjusted to normalize for traffic flow variations.

Project-Related Operational Noise

The project would include mechanical equipment, such as air conditioning units and chillers, which would produce operational noise. These would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code, which limits noise from building operations. The project would be required to comply with Article 29, Section 2909, "Fixed source noise levels," which regulates mechanical equipment noise. Since equipment noise would be limited by the ordinance to 60 dBA during the night and 70 dBA during the day, the project's operational noise would not be likely to exceed ambient noise levels in the project area, especially given the elevated ambient noise levels. Thus, substantial increases in the ambient noise level due to building equipment noise would not be anticipated. Therefore, building equipment noise impacts would be less than significant and will not be analyzed in the EIR.

Freight loading activities would increase because the project would represent an introduction of residential and retail land uses to a site that has a building that is currently vacant. However, given the project's location in a dense urban area where regular loading activity is common, noise associated with loading activities would not be substantial or unique. Therefore, loading activity noise impacts would be less than significant and will not be analyzed in the EIR.

Project-Related Traffic Noise

As stated above, ambient noise levels in the vicinity of the project site are atypically high, even for greater downtown San Francisco. As discussed above, the ambient noise level is dominated by vehicular traffic, in particular traffic on the Bay Bridge and approaches. Additional major vehicular noise sources in the project area include traffic on Harrison Street, on the First Street Bay Bridge on-ramp, and on the Fremont Street Bay Bridge off-ramp.

Generally, traffic must double in volume to produce a noticeable increase in noise levels. Traffic volumes would not be expected to double as a result of the project.[19] Therefore, substantial increases in traffic noise levels resulting from the project itself and the project's contribution to cumulative noise levels would not be anticipated in the project area. Traffic noise will not be analyzed further in the EIR.

Future Noise Levels at the Project Site

The noise study conducted for this project was prepared in accordance with HUD testing methodology and the analysis was done using HUD standards. (As noted above, the analysis was conducted because of the project sponsor's application from HUD for insurance underwriting purposes only. The project is not a "HUD project" as generally meant by that term.) The project's architectural plans and site topographical information were utilized in the noise analysis. Existing traffic volumes were used to calculate future (2010) acoustical conditions using HUD Worksheet Set C. The worksheet utilizes roadway geometrics, traffic volumes, traffic mixes, and traffic speeds to determine noise levels. Roadways included in the analysis are the Bay Bridge, the First Street on-ramp to the Bay Bridge, the Fremont Street off-ramp from the Bay Bridge, and Harrison Street. Future roadway geometries and speeds were assumed to remain consistent with existing conditions.

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[19] Luba Wyznyckyj, LCW Consulting, Transportation Consultant, telephone conversation with Dan Cohen, EDAW, Inc., February 29, 2004.

Based on the results of the calculations, the estimated outdoor noise level on-site in 2010[26] would be 79.0 dBA L_{dn}. Based on HUD standards, an ambient exterior noise level over 75 dBA is considered "Unacceptable" for a residential use (see Table 1, below). In part to minimize the effect of noise on users of the project's outdoor common areas, the project design includes a solid glass wall of at least seven feet in height that would line the project terrace's southern and southeastern perimeter. Using the Federal Highway Administration's traffic model barrier analysis calculations, a solid barrier of this height would be expected to reduce exterior noise levels to 65 dBA L_{dn}. Although there are no established standards that regulate noise levels for outdoor spaces, 65 dBA L_{dn} is considered "Acceptable" under HUD standards and "Normally Acceptable" under the California Land Use Compatibility Guidelines (which are the standards used by the General Plan's *Environmental Protection Element*). The glass wall would not attenuate noise levels on private balconies, where noise levels would remain unacceptable per HUD standards. In view of the above, effects on project occupants in the project's exterior spaces, which are not regulated, and are private, would not be considered significant, and require no further analysis in the EIR.

Table 1

HUD Exterior Noise Level Site Acceptability Standards for Residential Use

Acceptability Level	DNL[1] (dBA)	Approval requirements
Acceptable	65 or less	None
Normally unacceptable	65 to 70	25 dBA attenuation[2]
Normally unacceptable	70 to 75	30 dBA attenuation
Unacceptable	Over 75	Case-by-case approval

[1] DNL is equivalent to Ldn, the Day-Night average.

[2] Attenuation is a reduction in the noise level of transmitted noise. For example, a wall can attenuate sound between a source and receiver.

Source: EDAW, Inc., *One Rincon Hill Noise Study* (based on HUD's *The Noise Guidebook*, 1991).

Regarding standards for interior noise levels, HUD guidelines establish a goal of 45 dBA L_{dn}. Attenuation requirements are geared towards achieving that goal. Based on HUD standards, the project would be required to attenuate noise by nearly 35 dBA due to exterior noise levels at the site. According HUD's *Noise Guidebook*, standard building construction will provide attenuation to interior levels of 45 dBA L_{dn} or less when the exterior noise level is 65 dBA.[27] The noise study found that attenuation to an interior level of 45 dBA L_{dn} or less could be achieved for the proposed project using one or more of the following methods that are not part of standard construction: reducing the number and/or size of openings in exterior walls (particularly those facing the Bay Bridge); using wall components with a high Exterior Wall Noise Rating (EWNR); and/or orienting noise-sensitive rooms, such as living rooms and bedrooms, away from noise sources and placing non-noise sensitive rooms, such as bathrooms and closets, along noise impacted walls.

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[26] Modeling was conducted using the year 2010 to be conservative. This would be conservative because by that year the project and other project-area development would have been built, but traffic volumes would be less (and therefore louder because of higher speeds) than subsequent years, such as 2015.

[27] United States Department of Housing and Urban Development, *The Noise Guidebook*, 1991.

Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. Title 24 requires that residential structures (other than detached single-family dwellings) be designed to prevent the intrusion of exterior noise so that the interior CNEL[22] with windows closed, attributable to exterior sources, shall not exceed 45 dBA in any habitable room.

To ensure that occupants of the proposed residential units would not be adversely affected by proximity to traffic noise, noise insulation measures would be included as part of the design for the project, as required by Title 24. This would ensure that project residents would not be significantly affected by ambient exterior noise levels, with windows closed. (Interior noise levels would be higher with windows open, depending on fluctuating ambient noise.) The project design is still in its preliminary stages and the project designers are evaluating a variety of noise insulation options to meet Title 24. These include numerous insulated glass window assemblies with varying thicknesses of each window's two panes of glass and the use of laminated glass. The concrete frame in which the windows would be set would also provide acoustical insulation. It should be noted that the project's height, in and of itself, would have positive attenuation effects, as noise levels would dissipate with each building level located above the surface of the Interstate 80 roadway. Final selection of noise insulation techniques will be based on the recommendations of an acoustical engineer's calculations as to which methods would be most effective and would bring interior noise levels below 45 dBA.

The Department of Building Inspection (DBI) would review the final building plans to insure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission. No building permit would be issued by DBI unless the project design is found to conform to these standards. If determined necessary by DBI, to assure that the design would meet the interior noise level goal, a detailed acoustical analysis of the exterior wall architecture/structure could be required.

With incorporation of noise insulation and compliance with Title 24, the existing noise environment would not substantially negatively affect occupant use of project interior spaces, and no further analysis is required.

Construction Noise

Construction activities associated with the project, including demolition, excavation, foundation construction, concrete erection, and finishing would temporarily increase noise in the site vicinity. During the approximately 38-month construction period, approximately three months would be devoted to demolition, three months would be devoted to excavation and shoring, four months would be devoted to foundation and below-grade construction, 22 months would be devoted to base building erection and exterior finishing, and six months would be devoted exclusively to interior finishing.[23] Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Because portions of the project site are underlain by bedrock that would need to be removed in order to construct the project as proposed, the three-month excavation phase of the project's construction would be expected to include jack hammering and rock blasting. These activities would potentially create a nuisance to drivers of automobiles on the Bay Bridge, its West Approach, and ramps, particularly during periods of slow moving traffic. These effects would be temporary and intermittent, and so would be less than significant. The project would not require pile driving.

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[22] The Community Noise Equivalent Level (CNEL) is a based on 24 hours of measurement and includes a time-weighted factor for the evening and nighttime hours. CNEL and L_{dn} metrics yield approximately the same 24-hour value (within 1 dBA).

[23] Ground-disturbing construction period based on project sponsor's estimation that project construction would involve approximately three months for demolition, three months for excavation and shoring, and four additional months for foundation and below-grade construction. Source: Project Management Advisors, February 26, 2004. This document is available for review by appointment as part of the project file at 1660 Mission Street, Fifth Floor, San Francisco California 94103.

During the construction period, temporary construction noise would be noticed by neighboring residents and nearby retail and office workers. Other than the neighboring residents, there are no nearby sensitive receptors, such as schools or hospitals. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works. Compliance with the Noise Ordinance is required by law and would reduce construction noise impacts to a less-than-significant level.

Construction of other nearby developments, such as the approved high-rise residential towers at 300 Spear Street (three blocks to the north across Main Street) and 201 Folsom Street (two blocks to the north across Beale Street), the Bay Bridge West Approach retrofit, and other proposed development in Rincon Hill, to the extent that these would coincide with construction of the proposed project, would temporarily increase the overall noise levels in the immediate vicinity of construction activities, as the noise intensity would be greater with a larger number of noise sources.[24] Or, if construction were sequential, construction noise impacts could extend over a longer time period. However, noise from overlapping construction or construction in sequence would remain temporary and intermittent over about 25 months of the construction period. During interior finishing, noise impacts would be less.

At times during construction, noise levels would disturb surrounding building occupants and could interfere with indoor activities. Noise impacts would be temporary and intermittent in nature and limited to the period of construction. Further, project construction would comply with the San Francisco Noise Ordinance. Based on the above, construction noise would not be significant and requires no analysis in the EIR.

Conclusion

As described above, with implementation of noise insulation (the proposed perimeter glass wall for exterior spaces and window/wall and floor/ceiling assemblies for interior spaces), compliance with the State's Title 24 requirements, and compliance with the San Francisco Noise Ordinance regulations, the project would have less-than-significant effects associated with noise generated by the project and experienced by project residents. As such, the issue of noise will not be analyzed in the EIR.

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[24] When noise sources from more than one source are combined, the resulting noise levels (in dBA) add logarithmically, not arithmetically. Two equal noise levels combined will result in a 3 dBA (barely perceptible) increase. When two noise sources are 10 dBA or more apart, the lower value does not noticeably contribute to the total noise level. Source: EDAW, Inc., *One Rincon Hill Noise Study*, April 29, 2003.

6) Air Quality/Climate – Could the project:	Yes	No	Discussed
(a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	To be determined		
(b) Expose sensitive receptors to substantial pollutant concentrations?	To be determined		
(c) Permeate its vicinity with objectionable odors?		X	X
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	To be determined		

Construction Emissions

Demolition, excavation, grading, foundation and other ground-disturbing construction activity would temporarily affect localized air quality for up to about ten months, causing a temporary increase in particulate dust and other pollutants.[25] Excavation and movement of heavy equipment could create fugitive dust and emit nitrogen oxides (NOx), carbon monoxide (CO), sulphur dioxide (SO_2), reactive organic gases, or hydrocarbons (ROG or HC), and particulate matter with a diameter of less than 10 microns (PM_{10}) as a result of diesel fuel combustion.

Dust emission during demolition and earthmoving would increase particulate concentrations near the site. Dust would be expected at times to fall on surfaces located within 200 to 800 feet of the project site. Under winds exceeding 12 miles per hour, localized effects including human discomfort could occur downwind from blowing dust. Construction dust is composed primarily of larger particles that settle out of the atmosphere more rapidly with increasing distance from the source and are easily filtered by human breathing passages. In general, construction dust would result in more of a nuisance than a health hazard in the vicinity of construction activities. About one-third of the dust generated by construction activities consists of smaller size particles in the range that can be inhaled by humans, known as PM_{10}, although those particles are generally inert. More of a nuisance than a hazard for most people, the dust could affect persons with respiratory diseases immediately downwind of the site, as well as sensitive, unprotected electronics equipment.

While construction emissions would occur in short term and temporary phases, they could cause adverse effects on local air quality. The Bay Area Air Quality Management District (BAAQMD), in its CEQA Guidelines, has developed an analytical approach that obviates the need to quantitatively estimate emissions. BAAQMD has identified a set of feasible PM_{10} control measures for construction activities. The project would include these measures to reduce the effects of construction activities to a less-than-significant level (see Mitigation Measure 1 on p. 45). San Francisco Ordinance 175-91, adopted by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, project contractors would obtain reclaimed water from the San Francisco Clean Water Program. Because the project would include the above mitigation measures, it would not cause significant project-specific construction-related air quality impacts. Construction of other nearby developments, the Bay Bridge West Approach retrofit, and other proposed development on Rincon Hill, to the extent that these would coincide with construction of the proposed project, would temporarily increase the amount of construction emissions. Inclusion of the BAAQMD mitigation measures would similarly be expected to result in less-than-significant cumulative construction impacts. Therefore, construction air quality effects would be less than significant and the EIR will not address these effects.

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[25] Project Management Advisors, Project Managers for the project sponsor, 2004.

Operational Traffic Emissions

Air quality impacts from the proposed project, as well as cumulative impacts related to development of the project and other projects in the vicinity, would occur due to increased traffic in the region. Region-wide emissions will be assessed in the EIR and compared to the BAAQMD's significance thresholds for regional impacts. Also of concern are CO emissions and the possibility of exceeding CO standards at congested intersections and nearby sensitive receptors, specifically neighboring residents. The impact of vehicular CO emissions on local ambient air quality will be assessed in the EIR. Carbon monoxide concentrations will be estimated for existing, existing-plus-project, and future-with-project conditions. The results of this analysis will be compared to State and Federal ambient air quality standards to evaluate impacts.

Objectionable Odors

The proposed project includes primarily new residential space, and to a lesser extent, related tenant amenities, convenience retail, and parking. These uses could require operation of natural gas-fired boilers or chillers that could emit trace quantities of toxic air contaminants, but they are not expected to have the potential to generate toxic air contaminants in substantial amounts or create objectionable odors. Therefore, this would be considered a less-than-significant effect and the EIR will not discuss this issue.

Wind

In order to provide a comfortable wind environment for people in San Francisco, the City established specific comfort criteria to be used in the evaluation of proposed buildings in certain areas of the City. The City Planning Code sets forth wind criteria for the Rincon Hill SUD, in which the site is located. Section 249.1(b)(3) establishes comfort criteria of 11 miles per hour (mph) equivalent wind speed for pedestrian areas and 7 mph for seating areas, not to be exceeded more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m. Developments that would cause wind speeds to exceed the comfort level are required to be designed to reduce the ambient winds speeds in the Rincon Hill SUD, if feasible. Section 249.1(b)(3) of the Planning Code also establishes as a hazard criterion an equivalent wind speed of 26 mph for a single full hour per year. No building or addition would be permitted that would cause wind speeds to exceed the hazard level more than one hour of any year. No exception may be granted to this criterion.

The project would include development that would range in height from approximately 50 feet to about 550 feet, about 370 feet taller than the tallest existing structure on the project site. Because the project would result in a substantial increase in height and mass on the site, and because of the requirements of Section 249.1(b)(3), the EIR will analyze the project's effects on existing wind conditions. A wind tunnel test will be performed and the effects of the project will be compared to the applicable criteria.

Shadow

Section 295 of the Planning Code was adopted in response to Proposition K (passed in November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the Planning Commission finds the impact to be insignificant. The proposed project, which includes structures up to 550 feet in height, is subject to Section 295. The results of the shadow fan analysis conducted by the Planning Department in accordance with Section 295 will be discussed in the EIR. The proposed project could increase shadows on other open spaces and sidewalks in the vicinity; therefore, a shadow study will be completed and the EIR will discuss the results.

7) Utilities/Public Services. Could the project:	Yes	No	Discussed
(a) Breach published national, State or local standards relating to solid waste or litter control?	___	X	X
(b) Extend a sewer trunk line with capacity to serve new development?	___	X	X
(c) Substantially increase demand for schools, recreation or other public facilities?	___	X	X
(d) Require major expansion of power, water, or communications facilities?	___	X	X

The project would increase development on the site. Thus, the project would increase demand for and use of public services and utilities on the site and would increase water and energy consumption, but not in excess of the amounts expected and provided for in this area. No need for an expansion of public utilities or public services facilities is anticipated due to the project.

Solid Waste

San Francisco's solid waste is disposed of at the Altamont Landfill. A substantial expansion of the landfill was approved in 1997 that will be able to accommodate San Francisco's solid waste stream well into the future. The solid waste associated with the project construction and operation would not substantially affect the projected life of the Altamont Landfill, and no associated significant impacts would occur. Therefore, the EIR will not discuss the issue of solid waste generation.

Sewer and Wastewater Treatment Plant Capacity

The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. No major new sewer connection would be needed to serve the proposed project. Wastewater treatment for the east side of the City is provided primarily by Southeast Water Pollution Control Plant. The project would meet wastewater pre-treatment requirements of the San Francisco Public Utilities

Commission, as required by the San Francisco Industrial Waste Ordinance.[26] The project would have little effect on the total wastewater volume discharged through the combined sewer system, particularly since stormwater runoff contributes greatly to the total flow and the site is already paved (resulting in maximum stormwater flows). The project would not result in a substantial increase in demand for wastewater treatment, and thus it would not result in a significant impact. The EIR, therefore, will not discuss demand on wastewater treatment facilities.

Public Services

Police and Fire Protection

The project site currently receives police and fire protection services, and would create additional demand for police and fire services in the area. The nearest police station is located at the Hall of Justice at 850 Bryant Street, approximately six blocks from the project site. Although the project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on the site, the increase in responsibilities would not likely be substantial in light of the existing demand for police protection services in the South of Market area. The nearest fire station, Engine 35, is located at Pier 22½ on The Embarcadero at Harrison Street, approximately five blocks from the project site. Although the project could increase the number of calls received from the area or the level of regulatory oversight that must be provided as a result of the increased concentration of activity on site, the increase in responsibilities would not likely be substantial in light of the existing demand for fire protection services in the Rincon Hill-Rincon Point area. Furthermore, the increase in demand would not require the construction of new police or fire prevention facilities, and thus would not result in an associated significant impact. For these reasons, the EIR will not discuss police or fire protection services.

Schools and Recreation Facilities

The nearest elementary school is the Bessie Carmichael Elementary School at 55 Sherman Street, the nearest middle school is the Potrero Hill Middle School at 655 De Haro Street, and the closest high school is Mission High School at 3750 18th Street. These schools would be able to accommodate any new students residing at the project site. The project population would not have an associated significant demand for schools and recreation facilities that could not be accommodated by existing facilities. This topic will not be discussed in the EIR.

Residential units in the greater downtown are less likely to be occupied with children than units elsewhere in the City. Even assuming the project's residential space were to be occupied by the number of children typical of San Francisco as a whole, there could be up to 107 school age children (spread amongst elementary, middle, and high school) living in the proposed residential units.[27]

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[26] City and County of San Francisco, Ordinance No. 19-92, San Francisco Municipal Code (Public Works), Part II, Chapter X, Article 4.1, January 13, 1992

[27] City and County of San Francisco Planning Department and San Francisco Redevelopment Agency, *Mission Bay Final Subsequent Environmental Impact Report*, Planning Department File No, 96.771 E, SCH No. 97092068, Volume IV, Appendices, L. Community Services and Utilities, pp. L.3-4 and Table L.1, p. L5, certified September 17, 1998. For typical San Francisco neighborhoods, this report assumes children of ages 5 to 9 comprise about 5.5% of the total population; children of ages 10 to 14 comprise about 6% of the total population; and children of ages 15 to 17 comprise about 3.3% of the total population. Therefore, there could be as many as 107 school age children amongst the projected 720 occupants of the proposed project.

Power and Communication Facilities

The project site is served by power and communication facilities. The proposed project would require typical utility connections and could tap into existing power and communications grids. Any relocation would be completed without interruption of service to adjacent properties. The discussion under Energy/Natural Resources on p. 34 includes additional information about demand for power facilities. No new power or communications facilities would be necessary as a result of project implementation.

The proposed project would increase demand for and use of public services, but not in excess of amounts expected and provided for this area. In recent years, San Francisco consumers have experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem is thought to be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and other parts of California. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project would not be built and occupied until about 2008; therefore, additional generating facilities may have been completed by the time the project is in operation. The project-generated demand for electricity would be negligible in the context of the overall demand with San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental impact. This topic will not be discussed in the EIR.

8)	Biology. Could the project:	Yes	No	Discussed
(a)	Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	___	X	X
(b)	Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	___	X	X
(c)	Require removal of substantial numbers of mature, scenic trees?	___	X	X

No known rare, threatened or endangered species are known to exist on the project site. The project site is in a developed urban area and does not support or provide habitat for any rare or endangered wildlife species. The project site is covered completely with impervious surface and therefore there are no trees or any other vegetation present. Approximately 20 non-native trees are located on the property adjacent to the project site on the west side of the Fremont Street exit. A few non-native trees previously existed on the adjacent Caltrans parcel to the southeast of the project site, yet due to the construction on the West Approach of the Bay Bridge in 2003, all of this vegetation was removed by Caltrans. According to a certified biologist who conducted a field visit on January 15, 2004, none of the vegetation in the immediate project site vicinity currently provides habitat for sensitive species.[28]

Because Peregrine Falcons have been identified in the area of the Bay Bridge, the biologist checked for nests during that same field visit and found that no Peregrine Falcon nests were visible on the western towers of the Bay Bridge. The biologist also determined that the westernmost tower of the Bay Bridge was of sufficient distance from the project site that the proposed project would not adversely affect any Peregrine Falcons if at some point in the future they did nest in the Bay Bridge's towers. Per standard buffer zones established by the California Department of Fish and Game for raptors, project construction would be more than 250 feet from any potential Peregrine Falcon nesting site (if one were to be located in a tower of the Bay Bridge). Therefore, the project would not have the potential to impact this species.

No sensitive biological resources exist on the site. Development of the site would not affect and would not result in significant impacts to plant or animal habitats. The project would not interfere with any resident or migratory species. Therefore, this topic requires no further analysis and will not be discussed in the EIR.

9) Geology/Topography. Could the project:	Yes	No	Discussed
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)?		X	X
(b) Change substantially the topography or any unique geologic or physical features of the site?		X	X

Geologic Hazards

The General Plan's Community Safety Element contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to "moderate" damage (Modified Mercalli Intensity Level VI to VII) from seismic groundshaking originated by a characteristic earthquake (Moment Magnitude 7.1) along the San Andreas Fault approximately six miles southwest of San Francisco, and the Northern Hayward Fault approximately 12 miles northeast of San Francisco (Maps 2 & 3 in the Community Safety Element). During a major earthquake on a segment of one of the nearby faults, strong groundshaking is expected to occur at the project site.[29] The project site is not in an area subject to landslide, seiche or tsunami run-up, or reservoir inundation hazards (Maps 5, 6, and 7 in the Community Safety Element).[30] The project site is not in an Alquist-Priolo Earthquake Fault Zone.[31] The project site is not mapped within a Seismic

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[28] John Hindley, Wildlife Biologist, EDAW, Inc., conducted the site visit on January 15, 2004.

[29] Treadwell & Rollo, Inc., *Updated Geotechnical Investigation Rincon Hill 425 First Street, San Francisco, California*, February 20, 2004 (hereinafter Treadwell & Rollo, *Geotechnical Investigation*), p. 11. This report is on file with the Planning Department, 1660 Mission Street, San Francisco, CA, and is available for public review as part of the project file.

[30] City and County of San Francisco, *Community Safety Element, San Francisco General Plan*, April 1997.

[31] California Division of Mines and Geology, *Fault Rupture Hazards Zone in California, Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zone Maps*, Special Publication 42, revised 1997, Figure 4B.

Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology and is not shown on this map as an area of liquefaction potential.[32]

A geotechnical investigation was prepared for the project site by a California licensed geotechnical engineer and is summarized here. [33] The project site slopes up from about 60 feet above sea level at the northeast corner of Harrison and Fremont Streets to about 108 feet above sea level at the southwest corner of the site. Along the west and southwest perimeter of the site, a steep cut slopes down to the First Street on-ramp to the Bay Bridge. Caltrans recently removed the crib wall that retained a portion of the cut and replaced it with a soldier beam and lagging retaining system. Caltrans plans call for a replacement retaining wall.[34] The 56,090 square-foot project site is occupied by a surface parking lot on its eastern side and a four-story office building (that includes a clock tower) and a three-story parking garage on its western portion.

The geotechnical investigation, including the review of a previous investigation conducted for the site,[35] indicates that the site is underlain by zero to 12 feet of fill consisting predominantly of medium stiff to very stiff sandy clay with gravel or loose to dense clayey gravel. The fill is underlain by bedrock along the western side of the property and in the eastern portion of the site. In the north central portion of the site the bedrock is capped with native soil to approximately 40 feet below existing grades. The native soil, consisting of very dense silty and clayey sand over hard sand clay with gravel, was encountered to depths between 3.5 and 25 feet below the floor slab in the existing building. The bedrock at the site consists predominantly of siltstone and sandstone of the Franciscan Complex. The siltstone encountered is typically deeply weathered and friable with low hardness, while the sandstone is typically moderately strong, moderately hard, moderately weathered, and intensely fractured.

Excavation associated with construction of the project is expected to expose bedrock across the majority of the site, including the entire footprints of both proposed towers.[36] Between two and five of the six parking levels of parking would be provided below existing grades at the site, requiring excavations up to about 60 feet, depending on foundation thickness. The lowest two proposed parking levels would bottom at approximately elevation 43.9 and 55.9 feet. Based on the geotechnical engineer's experience with several projects of a similar size where excavations extended at least 30 feet into Franciscan Complex, and because no settlement has been observed or reported due to rebound in the Franciscan Complex rock on the site, less than one inch of settlement is expected as a result of the project.

Groundwater was encountered in the bedrock on the site at depths of about 1 foot, 7 feet, and 21 feet below the existing parking lot grades and the lowest existing garage slab, corresponding to elevations 63.5, 59.5, and 46.5 feet, respectively. Groundwater at the site is likely confined to fractures and seams within the rock, and there is no evidence that the groundwater level has ever risen to the soil. Therefore, there is considered to be no liquefaction potential as a result of the proposed project. Accordingly, there is considered to be no potential for lateral spreading as a result of the project. The sand encountered at the site contains a large amount of fines; therefore, the potential for differential compaction at the site is low. The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the site. Therefore, the risk of fault offset at the site from a known active fault is low. [37]

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[32] California Division of Mines and Geology, *Seismic Hazard Zones Map, City and County of San Francisco*, November 17, 2001.

[33] Treadwell & Rollo, Inc., *Geotechnical Investigation*.

[34] Ibid.

[35] Subsurface Consultants, Inc., *Geotechnical Investigation, Seismic upgrade and Renovation, 425 First Street, San Francisco*, December, 1995.

[36] Treadwell & Rollo, Inc., *Geotechnical Investigation*, p. 14.

As discussed above, the site is not identified as being within a SHSZ. As noted, the project sponsor has prepared a geotechnical investigation report prepared by a California-licensed geotechnical engineer that is on file with the Planning Department and available for public review as part of the project file. The recommendations contained in the report, include, but are not limited to:

Foundations

The report recommends that the tower loads should be on a mat-type foundation. Spread footings and mats should bear in bedrock (at least three feet below the lowest adjacent subgrade), while the lowrise portions of the site, including the townhouse structures, be supported on either a mat or spread foundation system in bedrock. Footings or mats should be embedded a minimum of two feet below the lowest adjacent subgrade. If soil is exposed at the project foundation level, it should be removed to expose bedrock and the excavation should be backfilled with concrete to the design foundation bottom. Where adjacent finished floor elevations differ, the upper mats or footings would impose pressure on the adjacent lower walls and foundations. Either the lower walls and foundations should be designed to accommodate these additional pressures or the upper mats and footings should bear below an imaginary plane (1.5:1 horizontal to vertical) projected upwards from the bottom edge of the adjacent foundation. Care should be taken not to disturb rock adjacent to a lower cut as this would create a non-uniform bearing surface for the upper mat. Any rock that is disturbed should be removed and the void backfilled.

Excavation

Based on field exploration and review of schematic architectural sections, a good portion of the excavation would be into bedrock. Jack hammering or blasting may be required in areas of lower elevation areas, and areas of little weathered, fractured, or jointed rock, and in confined areas such as for footing excavations. The report recommends that the contract documents allow for a unit cost to excavate marginally rippable rock.

Shoring

The report recommends that where the proposed construction would extend below grade, the adjacent streets or ground should be prevented from moving by temporarily shoring the sides of the excavation. The report estimates that the shored height could be between 50 and 60 feet and that soil-nailing and soldier-pile-and-lagging shoring systems are suitable for the project. During excavation, the shoring system may yield and deform laterally, which could cause surrounding improvements to settle. The report recommends a monitoring program be established to evaluate the effects of the construction on the adjacent streets and other improvements. The contractor should be aware that there might be existing shoring elements behind the existing below-grade walls, which were installed for the existing buildings. The permanent shoring system(s) should be designed by a licensed structural engineer experienced in the design of retaining systems, and installed by an experienced specialty shoring contractor. The shoring engineer should be responsible for the design of temporary shoring in accordance with applicable regulatory requirements. The geotechnical engineer should review the shoring plans and observe the shoring installation.

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[37] Ibid, pp. 13-14.

Corrosion Potential

The report recommends protection against corrosion depending on the critical nature of the structure.

Site Demolition and Subgrade Preparation

The demolition contractor should remove the elements of the existing buildings (slabs, footings, and walls), underground utilities, and other obstructions encountered during excavation. Old foundation elements (e.g., footings, drilled piers, and grade beams) may be left in place if they are clear of the new building elements and approved by the geotechnical engineer. To minimize interference with new foundations, the project structural engineer should obtain and review existing foundation plans. Where a new footing is planned over an existing drilled pier, the top of the drilled pier should be cut off to the bottom of the new footing. New footing and subgrades/mat subgrades should be clear of loose material. Disturbed or loose material should be removed, and any overexcavation should be backfilled with lean or structural concrete.

Dewatering

Because perched groundwater could accumulate beneath the mats and/or slabs, an underslab drainage system consisting of a series of longitudinal and transverse trenches with free draining open-graded crushed rock and four-inch-diameter perforated PVC collector pipes should be installed. The underslab drainage should tie into the perimeter drain pipes that would collect water from the below-grade wall backdrains. Where moisture infiltration is considered undesirable, a waterproofing system consisting of a waterproofing membrane with a protective slab above and below it should be placed above the drainage bed. Where water vapor transmission through the floor may not be as critical, the engineer recommends installing a capillary moisture break and a water vapor retarder beneath the floor. The report recommends that these and other waterproofing and drainage details should be provided by a waterproofing and drainage consultant.

Permanent Basement Wall Design

The below-grade walls for the proposed structures should be designed to resist lateral pressures imposed by the soil and any adjacent surcharges. In addition, because the site is in a seismically active area, all below-grade walls should be designed to resist pressures associated with seismic forces. To reduce surcharge effects, footing and mats adjacent to walls, if any, should be bottomed below an imaginary line drawn upward at an inclination of 1.5:1 (horizontal to vertical) from the base of the wall.

The geotechnical report found the site suitable for development, providing that the recommendations included in the report were incorporated into the design and construction of the proposed development. The project sponsor has agreed to follow the recommendations of the report in constructing the project.

The Building Code contains provisions which require that grading on slopes of greater than 2:1, or where cut sections will exceed 10 vertical feet, must be done in accordance with the recommendations of a soil engineering report. The final building plans will be reviewed by the Department of Building Inspection

(DBI). In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. The above referenced geotechnical investigation would be available for use by DBI during its review of building permits for the site. Also, DBI could require that additional site-specific soils reports be prepared in conjunction with permit applications, as needed.

Topography/Unique Geological Features

As described above, the project would include six parking levels. Between two and five stories of the six parking levels would be below grade, requiring excavations to a depth of up to 60 feet below existing grade. However, despite the excavation beneath the proposed building footprints, the surrounding topography would not be substantially altered by the project, nor would the project affect any unique geologic or physical features of the site, assuming the recommendations of the geotechnical engineer are followed.[38]

Based on the above discussion, the project would not have a significant effect regarding geology, seismicity, and topography and this topic will not be included in the EIR.

10) Water. Could the project:	Yes	No	Discussed
(a) Substantially degrade water quality, or Contaminate a public water supply?		X	X
(b) Substantially degrade or deplete groundwater resources, or interfere substantially with groundwater recharge?		X	X
(c) Cause substantial flooding, erosion or Siltation?		X	X

Water Quality

The project would not substantially degrade water quality or contaminate a public water supply. The project site is entirely covered by impervious surfaces. The project would not increase the area of impervious surface on the site, and would not adversely alter the drainage pattern of the site. Sanitary wastewater from the proposed buildings and stormwater runoff from the project site would be collected and treated at the Southeast Water Pollution Control Plant prior to discharge into San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitations set by the Plant's National Pollutant Discharge Elimination System (NPDES) permit. Therefore, neither groundwater recharge nor runoff and drainage would be affected.

Reclaimed Water

The project site is within the Eastside Reclaimed Water Use Area designated by Section 1029 of the Reclaimed Water Use Ordinance (approved November 7, 1991), which added Article 22 to Part II, Chapter X of the San Francisco Municipal Code (Public Works Code). Effective 180 days from the date of the ordinance, non-residential projects over 40,000 sq. ft. which require a site permit, building permit, or other authorization, and are located within this area shall provide for the construction and operation of a reclaimed water system for the transmission of reclaimed water within buildings and structures. That is, the building would need to be designed with separate plumbing to service uses (e.g., toilets) that could employ reclaimed water. The ordinance also requires that owners, operators, or managers of all such development projects register their project with the Water Department. The Water Department will then issue a certificate of intention to use reclaimed water, and reclaimed water shall be used unless the Water Department issues a certificate exempting compliance because reclaimed water is not available, an alternative water supply is to be used, or the sponsor has shown that the use of reclaimed water is not appropriate. The appropriate use of reclaimed water, when it becomes available, would reduce consumption of potable water in the area.

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[38] Carey Ronan, Geotechnical Engineer, Treadwell & Rollo, telephone conversation with Dan Cohen, EDAW, Inc., March 4, 2004.

Groundwater

A total of ten borings that tested for on-site groundwater were conducted as part of the geotechnical investigation conducted by the independent consultant. One of the borings was near the center of the site, six were on the northeastern portion of the site, and three were just to the west of the site along First Street.[39] Three of the ten borings, which were drilled to depths between 25 and 40 feet below existing grades, encountered groundwater. Groundwater was encountered in the bedrock on the site at depths of about 1 foot, 7 feet, and 21 feet below the existing parking lot grades and the lowest existing garage slab, corresponding to elevations 63.5, 59.5, and 46.5 feet, respectively. Of the other seven borings, no groundwater was encountered in four of them and the method of drilling used for three of them would have obscured any groundwater, if present. Groundwater at the site is likely confined to fractures and seams within the rock. The Hazards section of this document discusses groundwater in relation to potential for contamination.

As the project would involve excavation up to 60 feet on portions of the site, temporary localized dewatering of this perched groundwater would likely be required. Any groundwater encountered during construction would be subject to the requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified standards before it may be discharged into the sewer system. The Bureau of Environmental Regulation and Management of the Department of Public Works must be notified if the project necessitates dewatering. That office may require water analysis before discharge. Should dewatering be necessary, a final soils report/foundation study would address the potential settlement and subsidence impacts of this dewatering. Based upon the discussion above, the report would contain a determination as to whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring.

Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor. Oversight by the Bureau of Environmental

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[39] Ibid, Figure 2.

Regulation and Management and implementation of the recommendations of the project soils engineer regarding potential dewatering during project construction would ensure no substantial adverse effects related to dewatering would occur.

Flooding, Erosion, and Siltation

The project site is entirely covered by structures and pavement. Therefore, the project would not substantially affect the area of impervious surface at the site or adversely alter site drainage.[40] Because the project would be designed to meet current standards, the project could potentially improve drainage conditions on the site. Project-related wastewater and storm water would continue to flow to the City's combined sewer system and would be treated to standards contained in the City's NPDES permit for the Southeast Water Pollution Control Plant prior to discharge. During construction, requirements to reduce erosion would be implemented pursuant to California Building Code Chapter 33, Excavation and Grading. During operations, the project would comply with all local wastewater discharge requirements.

Soil would be exposed during site preparation (approximately three months), and due to the slope of the project site, special measures would have to be used by the construction crew to minimize runoff and to trap the erosion and siltation that could possibly occur. The geotechnical engineer's report recommends that these measures include coordination with Caltrans to ensure that siltation and erosion would not impact the adjacent Caltrans property and vice versa. Substantial erosion would not be expected to occur due to this project.

Based on the discussion above, the project would result in less-than-significant water effects and, therefore, the EIR will not include analysis of hydrology and water quality issues.

11) Energy/Natural Resources. Could the project:	Yes	No	Discussed
(a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?		X	X
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?		X	X

Energy Use

The proposed project would include new residential units, convenience retail, open space, and parking areas. Development of these uses would not result in use of large amounts of fuel, water or energy in the context of energy use throughout the City and region. The project demand would be typical for a development of this scope and nature and would comply with current State and local codes concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. For this reason, the project would not cause a wasteful use of energy, and would have a less than significant impact on energy and natural resources.

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[40] As indicated above in the discussion of Biology, the unpaved area at the edge of the site on which trees were located is not part of the project site. That property is owned by Caltrans.

Because the project would comply with the energy efficiency regulations of Title 24, it would not be considered to use energy wastefully. Based on this evaluation, no substantial environmental impacts related to energy use are expected from the proposed project, and energy consumption will not be discussed in the EIR.

Natural Resource Use

Other than natural gas and coal fuel used to generate the City's electricity that would also service the project, the project would not use substantial quantities of other non-renewable natural resources. Therefore, the project would not have a substantial effect on the use, extraction, or depletion of a natural resource; and this topic is not required to be analyzed in the EIR.

12) Hazards. Could the project:	Yes	No	Discussed
(a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	___	X	X
(b) Interfere with emergency response plans or emergency evacuation plans?	___	X	X
(c) Create a potentially substantial fire hazard?	___	X	X

Public Health Hazards and Hazardous Materials

Hazardous Materials Use

The proposed project would involve a residential development (including 3,550 gsf of retail space) that would require relatively small quantities of hazardous materials for routine household and business purposes, during project operation. Maintenance for the project may need to comply with San Francisco Health Code (SFHC) Article 21, the hazardous materials ordinance. Contractors during construction may need to get Hazardous Materials permits for storage; thresholds are 55 gallons, 500 lbs or 200 cubic feet of compressed gas. If thresholds are not met, then a disclaimer needs to be submitted. The project would likely require common types of hazardous materials, such as paints, cleaners, toners, solvents, and disinfectants. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling and disposal procedures. Most of these materials are consumed through use, resulting in relatively little waste. For these reasons, hazardous materials required for the project would not pose a substantial public health or safety hazards related to hazardous materials, and no significant impact would occur.

Site Conditions

Soils

The site was previously used as residential property from prior to 1887 to approximately 1941, when the first portion of the existing four-story office building was constructed. The site was used as offices (with associated parking) until the building was vacated in late 2002. The parking structure, constructed in 1955, continues to be used for public parking.

An Environmental Site Assessment (Phase I), a geotechnical investigation, and an Environmental Site Characterization (Phase II) were prepared for the project site and/or for the project by independent contractors, and are summarized in this section of the Initial Study.[41] A Unocal Service Station was located on the eastern portion of the site (401 Harrison) from approximately 1949 to approximately 1974.[42] According to documents reviewed at the San Francisco Department of Public Health (SFDPH), soil sampling and chemical analyses were performed in the vicinity of the former fuel and waste oil underground storage tanks (USTs), underground piping trenches, the former product pump island, and the former hydraulic lift, all of which were associated with the former service station. According to a 1994 soil sampling report, the petroleum hydrocarbon-impacted soil associated with the service station activities was excavated and removed from the site. Subsequently, the SFDPH Local Oversight Program, the overseeing agency for UST closures in San Francisco, issued a case closure letter for this site in which it stated "no further action" related to the UST release was required.[43] The project site was referenced in the Federal Agency Database Findings (Federal RCRA Generators) and the State Agency Database Findings (EPA HAZNET List & FINDS), but it was not referenced on any local lists.[44]

The project site is underlain by 0 to 12 feet of fill consisting predominantly of medium stiff to very stiff sandy clay with gravel or silty gravel. The fill is underlain by bedrock along the western side of the property and in the eastern portion of the site. In three borings on the eastern part of the site, bedrock was encountered directly beneath the pavement section. In the north central portion of the site, the bedrock is capped with native soil to approximately 40 feet below existing grades. This native soil consists of very dense silty and clayey sand and hard sandy clay with gravel. Native soil was encountered in depths between 3.5 to 25 feet below the floor slab in the existing office building. Hydrocarbon-affected soil was removed from portions of the site and up to 12 feet of engineered fill was placed on site.

The bedrock at the site consists of interbedded siltstone and sandstone of the Franciscan Complex. The siltstone interbeds are typically deeply weathered and friable with low hardness, while the sandstone is typically moderately strong, moderately hard, moderately weathered, and intensely fractured.

The project site is located in an area of the City subject to the requirements of Article 22A of the San Francisco Public Health Code, known as the Maher Ordinance. The Maher Area encompasses the area of the City bayward of the original high tide line (largely the part of San Francisco created by landfill) where past industrial land uses and debris fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in local soils and groundwater. Article 22A of the Health Code requires that, if more than 50 cubic yards of soil are to be disturbed (as is the case for the proposed project), applicants for building permits must prepare a site history and analyze the site's soil for hazardous wastes. San Francisco Building Code Section 106.3.2.4, Hazardous Wasters, relates to implementation of the ordinance, including review by the Department of Public Health (DPH).

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[41] Phase I: ATC, Inc., *Phase I Environmental Site Assessment on the Bank of America Clocktower*, October 29, 2001 (hereinafter ATC, *Phase I*). Geotechnical report: Treadwell and Rollo, *Updated Geotechnical Investigation*, February 20, 2004. Phase II: Treadwell and Rollo, *Updated Environmental Site Characterization, Rincon Hill, 425 First Street*, February 17, 2004 (hereinafter Treadwell & Rollo, *Phase II*). These documents are on file and available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, San Francisco, Project File No. 2003.0029E.

[42] ATC, *Phase I*.

[43] Treadwell and Rollo, *Phase II*.

[44] ATC, Inc., *Phase I*.

In compliance with Article 22A, a site history and data search (the Phase I), and site investigative report (the Phase II), have been prepared for the project site by independent consultants. For the Phase II study, samples of the fill material from 10 exploratory borings (conducted in March and May of 2003) were collected, chemically tested, and evaluated. The objective of the study was to assess the possible presence of petroleum hydrocarbons, heavy metals, and other potential contaminants in the soil at the project site. Concentrations of chemical compounds detected in the soil samples were compared to State and Federal criteria for hazardous waste and disposal options. On the basis of these comparisons, preliminary recommendations regarding the presence of hazardous materials at the site, as well as preliminary soil handling procedures, were made.

A total of 22 samples taken from the 10 borings were submitted for chemical analysis. In accordance with Article 22A, the soil samples were analyzed for total lead, total recoverable petroleum hydrocarbons (TRPH), total petroleum hydrocarbons as diesel (TPHd), total petroleum hydrocarbons as motor oil (TPHmo), total petroleum hydrocarbons as gasoline (TPHg), as well other contaminants.

TRPH were detected in three of the 22 soil samples, at concentrations ranging from 61 to 240 milligrams per kilograms (mg/kg). TPHd were detected in two samples at concentrations of 8.5 and 1.3 parts per million (ppm). TPHmo were detected in one sample at a concentration of 71 ppm. Analytical results indicate that TRPH, TPHd, and TPHmo were not detected at or above the laboratory reporting limits in any of the other analyzed samples. No TPHg, polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), sulfide, cyanide, asbestos, or benzene, toluene, ethylbenzene and xylenes (BTEX) or halogenated volatile organic compounds (HVOCs) were detected at or above the laboratory reporting limits in any of the samples.

As noted, all of the soil samples collected were also analyzed for total lead. Total lead was detected in all of the soil samples analyzed. All but one of the samples indicated a total lead concentration of less than 30 parts per million (ppm). Total lead was detected in one sample (taken from boring B-1 in the First Street right-of-way near Harrison Street, immediately to the west of the project site) at a concentration of 1,400 ppm, exceeding the State hazardous waste criterion of 1,000 ppm. This result indicates that soil exceeding State hazardous waste criteria exists in the area of boring B-1. Low levels of a variety of other metals, including antimony, barium, beryllium, cadmium, chromium, cobalt, copper, nickel, vanadium, zinc, arsenic, and mercury were also detected.[45]

Because hazardous concentrations of lead were detected at the site, the project sponsor must submit a Site Mitigation Plan (SMP) to the Department of Public Health (DPH), and implement the approved SMP before the Department of Building Inspection issues a building permit. Where toxics are found, for which no standards are established, the sponsor would request a determination from the DPH as to whether an SMP or addendum is needed. The Department of Public Health implements Article 22A of the Health Code and would require full compliance with Article 22A prior to construction of the proposed project. In accordance with Article 22A, the construction contractor would handle and dispose of excavated soils properly, employ worker health and safety and dust control procedures, and have a State Registered Professional Geologist or Engineer certify, at the completion of foundation activities, that all elements of the SMP have been performed in compliance with the regulations. Compliance with the Article 22A and associated coordination with DPH would reduce any potential impacts related to contaminated soil or groundwater to a less-than-significant level. (see Mitigation Measure 2, p. 44-46)

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[45] As reported in Treadwell and Rollo, *Phase II.*

The Phase II concludes that based on the elevated total lead concentration, the shallow fill material, up to about 2 feet in depth in the area of boring B-1 (the northwest corner of the site), would likely require disposal at a regulated Class I hazardous waste landfill. The remaining fill material would likely need to be disposed of at either a Class II or Class III non-hazardous waste landfill. The native soil and bedrock underlying the fill material could likely be disposed of at a Class III landfill.

Because hazardous materials were detected at the site, an SMP and a Health and Safety Plan (HSP) would be required prior to construction, as noted. The SMP will include a soil-handling plan which segregates Class I from Class II or III fill material, and isolates fill material from the underlying native soil. The HSP would outline proper handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. During construction, on-site observation of soil stockpiling and sample collection should be performed for a more focused disposal characterization of the soil schedule for off-site disposal. The project sponsor has agreed to follow the recommendations of the report.

Hazardous Building Materials

In 2002, an asbestos assessment of the existing building on the project site was conducted.[46] A licensed asbestos inspector collected 13 Asbestos Containing Material (ACM) samples and two samples of paint. The samples were sent to Micro Analytical Laboratories for analysis. According to the letter report, no asbestos was detected in any of the 13 suspected ACM samples. The letter report stated that a full interior asbestos abatement had been conducted in 1995, when Bank of America purchased this site, and a letter summarizing the analysis concluded that "it seems safe to assume that the asbestos which was used in the initial construction of the building has been removed and there will be no asbestos problem during demolition."

The existing structures on the project site were constructed prior to 1970. In the past, asbestos, PCBs, and lead were commonly installed in such materials as fire proofing, floor tiles, roofing tar, electrical transformer fluorescent light ballasts, and paint. Mercury is common in electrical switches and fluorescent light bulbs. Therefore, the structures on site may contain hazardous materials, such as asbestos, polychlorinated bipheny (PCBs), lead, mercury, or other hazardous materials. If such hazardous materials exist in a building when it i demolished, they could pose hazards to workers, neighbors, or the natural environment.

Although asbestos was removed from the office building on the site, it is possible that asbestos-containing materials may be found within one of the two existing structures on site, both of which are proposed for demolition as part of the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

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[46] Richard Bell, Ph.D., Luce Forward, LLP, Letter to Mr. Michael Kriozere, project sponsor, Urban West Associates of San Diego. October 17, 2002.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/altered including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation concerning which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abetment contractors must follow State regulations contained in 8CCR1529 and 8CCR341.6-341.14 where there is asbestos-related work involving 100 sq. ft., or more, of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice requirements described above. These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Regarding lead paint, the report concludes that there was lead paint found in the paint on the walls of the boiler room and the mechanical room, and that "[i]f loose paint is removed before demolition, the paint adhering to the concrete walls should present no problem. At demolition, the lead concentration is based on the entire waste stream and from what we observed; there is not enough paint to present a problem." Regardless, demolition activities must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers that are at least as effective at protecting human health and the environment as those in the HUD Guidelines (the most recent Guidelines for Evaluation and Control of

Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party (owner or contractor) must provide written notice to the Director of Building Inspection of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or non-residential, owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures required as part of the San Francisco Building Code would ensure that potential impacts due to lead-based paint would be reduced to a level of insignificance.

Other potential hazardous building materials such as potentially PCB-containing electrical equipment or fluorescent lights could pose health threats for demolition workers but would be mitigated by abatement as necessary. Mitigation is included in the project to reduce impacts of hazardous building materials (see Mitigation Measure No. 2b, p. 45).

Emergency Response Plans

The project involves construction of 720 dwelling units, primarily in two towers, with a lesser number of five-story townhouses. Occupants of the proposed buildings would contribute to congestion if an emergency evacuation of the greater downtown area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division (fire)." Additionally, project construction would have to conform to the provisions of the Building and Fire Codes which require additional life-safety protections for high-rise buildings. Substantial interference with emergency response plans or emergency evacuation plans due to the project would not be expected.

Fire Safety

The City of San Francisco ensures fire safety primarily through provisions of the Building Code and Fire Code. The final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department, as well as the Department of Building Inspection, to ensure conformance with these provisions. The project would conform to these standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hillside development, hydrant water pressure, and emergency access) would be mitigated during the permit review process. Therefore, these issues would not result in a significant effect and will not be analyzed in the EIR.

As a result of implementing the regulations discussed above, potential health and safety issues related to building contamination, soil contamination, emergency procedures, fire hazards, and remediation would be reduced to less-than-significant levels. Therefore, hazards issues do not require further analysis and will not be discussed in the EIR.

13) Cultural. Could the project:	Yes	No	Discussed
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?		X	X
(b) Conflict with established recreational, educational, religious or scientific uses of the area?		X	
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	To be determined		

Archaeological Resources

The *San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan*, prepared by the Anthropological Studies Center (ASC) at Sonoma State University for the California Department of Transportation (Caltrans District 4), was published in July 2000. The project site includes part of what was designated as Block 8 in that study. As such, under the direction of the Planning Department, a supplemental cultural resources evaluation was prepared as an addendum to the Caltrans report to supplement that document's information regarding the portions of the project block not studied therein but a part of the project site.[47] The supplemental evaluation discusses the historical development of the project block and its former inhabitants, describes existing conditions on the site, and identifies and describes archaeologically sensitive areas, the significance of existing resources, the potential impacts of the project on those resources, and recommendations for testing on the site.

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[47] Anthropological Studies Center, Sonoma State University, *Archaeological Resources Study For 425 First Street, San Francisco*, August, 2003. This report is on file with the Planning Department, 1660 Mission Street, San Francisco, CA.

The interpretation and recommendations in the supplemental evaluation are based on an extension of focused historical and archaeological research conducted for the San Francisco-Oakland Bay Bridge West Approach Seismic Retrofit project. Archaeologists undertook extensive excavations for that project in the immediate vicinity of the project site, between Fremont and Fourth Streets, between May 2001 and January 2003. Anthropological Studies Center staff also targeted excavation on the I-80 Bayshore Viaduct Seismic Retrofit Project under the elevated section of I-80, from 5th to 16th Streets, between 1998 and 2001. The archaeological conclusions in the supplemental evaluation are based on that fieldwork.

According to the addendum to the Caltrans report prepared for the proposed project, the part of the project block fronting First Street was initially an extension of the Rincon Hill residential neighborhood, which included the area from Folsom and First Streets to Third Street between Harrison and Bryant Streets. The 1857/59 Coast Survey map shows that houses on lots of varying size already covered portions of the block by 1857. By 1887 most of the available land on the western part of the block was covered with houses. After the 1906 fire destroyed these houses, much of the block remained vacant, with only marginal rebuilding. Spacious houses along First Street were replaced after 1906 with cottages and shanties, which in turn were demolished for the Rincon Hill footing of the Bay Bridge in the 1930s. Unlike much of the rest of Rincon Hill, this block was not taken over by industry after the fire because of its isolated location and poor vehicular access.

The findings of the project addendum to the Caltrans report indicate that despite the general rocky nature of the soil and considerable earthmoving activities that have taken place on the project site (including the removal of part of Rincon Hill and the construction of the existing building on the site), truncated archaeological features may have survived, such as privies and wells containing artifacts associated with the early residents of this once exclusive neighborhood. Artifact-rich deposits connected with the households of influential and affluent families from the 1850s would be very important to understanding life at that time and place and may be eligible for the California Register of Historical Resources (CRHR). The project site has a low sensitivity for significant/intact buried prehistoric archaeological deposits, however, due to the nature and age of its geologic landforms and high level of historic disturbance. Some isolated or redeposited prehistoric materials may be present, but the potential is very low. As such, the area was determined to not be sensitive for prehistoric archaeological resources.

The addendum identified archaeologically sensitive areas (ASAs) anticipated on the project site. Any Gold Rush-period domestic sites that survive on the project site are likely to be eligible to the CRHR and thereby possess legal significance by virtue of their age and rarity, in addition to their association with a historical event of national significance. Domestic deposits dating from the Gold Rush would provide important temporal depth to data that could be used to address research issues outlined in the Caltrans report, specifically Theme H-A (Consumer Behavior/Strategies) and possibly Theme H-E (Urban Geography).

Archaeological features located behind and associated with the 19th century residences in designated ASAs along Fremont, First, and Harrison streets may be potentially important under CRHR criteria. These sites widen the social, economic, and occupational characteristics of the households under study and would enable researchers to address issues raised in Theme H-A (Consumer Behavior/Strategies), Theme H-B (Ethnicity/Urban Subcultures), and Theme H-E (Urban Geography) identified in the Caltrans report.

Archaeological deposits associated with the residents of these lots would be important components of a contextual approach to an understanding of this well-to-do neighborhood.

According to the addendum, locations at 402 Fremont, 415 to 421 Harrison, and 405, 407, 409, 413, and 417 First Street offer valuable time depth, having been built before 1857/59 as part of the well-to-do Rincon Hill neighborhood. With the exception of 402 Fremont and its disappearance in the 1880s, the long-term occupation of these houses—from at least 1856 through 1900—would offer the opportunity to examine the effects of Rincon Hill's declining fortunes on several families over time.

According to the addendum, the 1906 fire burned through the project site. In addition to their value as stratigraphic markers, deposits related to the 1906 earthquake and fire may contribute greatly to the research themes outlined in the research design. Since these deposits effectively represent a "moment in time," they may be able to provide valuable diachronic[48] data on questions related to Consumer Behavior/Strategies (Theme H-A), Ethnicity and Urban Subcultures (Theme H-B), and Urban Geography (Theme H-E) of the Caltrans report. As the construction date of several houses is known, and the earthquake and fire represent a terminal date, deposits associated with these properties may also contribute to understanding the problems of artifact time lag—the period between manufacture, use, and discard of materials in an archaeological context—which is crucial to accurately dating sites.

The post-1906-fire development of the block with "cheap shacks" was in marked contrast to the middle- and upper-class homes built there just over a half-century earlier. These shacks would have constituted the lowest standard of housing in San Francisco, just one block from what was once the most fashionable block on the hill. If any such shacks were built on the project site and their remains survived—unlikely according to the addendum—refuse associated with these households has the potential to contribute valuable comparative data to research issues in Consumer Behavior/Strategies (Theme H-A), Ethnicity/Urban Subcultures (Theme H-B), and particularly Urban Geography (Theme H-E) as identified in the Caltrans research design.

The proposed project would involve demolition of the existing structures on the project site and the construction of a new residential development. The geotechnical report calls for the project's buildings to be supported by a combination of spread footings and mats in bedrock, which varies from directly beneath the surface up to 60 feet deep below existing grades. Elevations on the project site range from 60 feet above sea level at the northeast corner of Harrison and Fremont Streets to about 108 feet above sea level at the southwest corner of the site. Excavation as deep as 60 feet below existing grade and as deep as 55 feet below existing foundations would be required, with the lowest two proposed parking levels bottomed at approximately elevation 43.9 and 55.9 feet.[49] Thus, without appropriate mitigation, construction activity could damage or destroy any archaeological deposits encountered on the site. Consequently, the extent of potential subsurface disturbance on the project site is sufficient to require archaeological intervention to determine if CRHR eligible features are present.

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[48] Diachronic means the study of a phenomenon as it changes through time.

[49] Treadwell & Rollo, Inc., *Geotechnical Investigation*, p. 3 and Cary Ronan, Geotechnical Engineer, Treadwell & Rollo, telephone conversation with Dan Cohen, EDAW, Inc., April 26, 2004.

Archaeological testing is recommended by the archaeological consultant for all ASAs that are accessible and likely to be impacted by construction activities. These areas include domestic occupation sites dating from the 1850s to 1906 and deposits related to the 1906 earthquake. The purpose of testing is to locate refuse-filled privies and wells that can be associated with the residents of Rincon Hill and that can be used to address the research questions posed in Section 4 of the *San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan.* The addendum concludes that deposits that meet these criteria may be eligible to the CRHR.

The project includes Mitigation Measure 3 (see p. 47), which would require archaeological testing, monitoring, and data recovery programs. Implementation of this mitigation measure would reduce the potential impact to subsurface archaeological cultural resources to a less than significant level, and this topic requires no further analysis in the EIR.

Historic Architectural Resources

The project would involve demolition of all structures on the site, that is, the building complex consisting of Bank of America offices with its clock tower and garage. This building complex (with its garage and clock tower), was formerly the Union Oil Company Building. The office building component of the complex is a Moderne building designed by Lewis Hobart and built in 1941. In the 1950s, the building was enlarged and subsequently altered, including construction of the parking garage and construction of the current clock tower replacing the original rectangular clock tower. The building is identified in the Rincon Hill Area Plan of the General Plan (Objective 27), as a significant building and is one of eight buildings identified for preservation. The Citywide 1976 architectural survey rated the building as a "4" on a scale of 0-5 (with "5" being the highest rating), indicating that the building was deemed architecturally important in that survey.

Further information is needed to determine whether the building and/or complex is an historic resource under CEQA. A historic resource evaluation has been prepared for the site buildings by an independent consultant. The EIR for the project will summarize the report's findings.

C. OTHER

	Yes	No	Discussed
Require approval and/or permits from City Departments other than the Planning Department, or Department of Building Inspection, or from Regional, State or Federal Agencies?	X		X

As identified and discussed above in Section III.A, Compatibility with Existing Zoning and Plans (p. 10), the project would require issuance of a building permit from the Department of Building Inspection. The project would also require approval from the Department of Public Works and the Department of Parking and Traffic for the provision of the new parking curb cut, entrance turnaround and pick-up/drop-off on the First Street right-of-way, entry to loading dock, as well as replacement of curbs, gutters and sidewalks on Harrison Street. The project requires DPW approval of a revocable encroachment permit to use the First Street stub as vehicular access to the project. Project approvals are discussed in Section III.A, p. 11, and will be included in the EIR for informational purposes.

D. MITIGATION MEASURES

		Yes	No	N/A	Discussed
1)	Could the project have significant effects if mitigation measures are not included in the project?	X			X
2)	Are all mitigation measures necessary to eliminate significant effects included in the project?	X			X

Mitigation measures necessary to focus topics out of the EIR are identified herein. The following mitigation measures relate to topics determined to require no further analysis in the EIR. The EIR will contain a mitigation chapter describing these measures, and other measures which would be, or could be, adopted to reduce significant adverse effects of the project, identified in the EIR.

The project sponsor has agreed to implement the following mitigation measures that are necessary to avoid potential significant effects as identified in this Initial Study.

Mitigation Measure 1 – Construction Air Quality

To reduce particulate emissions, the project sponsor shall require the contractor(s) to spray the project site with water during demolition, excavation and construction activities; sprinkle unpaved exterior construction areas with water at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during demolition excavation and construction at least once per day. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 2 – Hazards

Step 1: Preparation of a Site Mitigation Plan:

Soil and groundwater samples shall be characterized (analyzed) for metals, petroleum hydrocarbons and gasoline/diesel components, volatile and semi-volatile organic compounds, and/or other constituents, as requested by the Department of Public Health (DPH). In addition, groundwater characterization shall be carried out for total suspended solids, total settleable solids, pH, total dissolved solids, and turbidity. Samples shall be analyzed by State-accredited laboratories. Based on the results of soil and groundwater characterization, a Site Mitigation Plan shall be prepared by a qualified individual, in coordination with DPH and any other applicable regulatory agencies. The sampling and studies shall be completed by a Registered

Environmental Assessor or a similarly qualified individual. Excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with DPH.

Step 2: Site Health and Safety Plan

Prior to conducting any remediation activities, a Site Health and Safety Plan would be prepared pursuant to California Division of Occupational Safety and Health guidance to ensure worker safety. Under CAL-OSHA requirements, the Site Health and Safety Plan would need to be prepared prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soils meet appropriate standards.
- The dust controls specified in Air Quality Mitigation Measure 1.
- Protocols for managing stockpiled and excavated soils.

The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.

Foundation plans and utility plans for the project will be provided to DPH.

Step 3: Handling, Hauling, and Disposal of Contaminated Soils

(a) specific work practices: If, based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert to the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e. characterize), and dispose of such soils appropriately (i.e., as dictated by local, State, and Federal regulations) when such soils are encountered on the site.

(b) dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.

(c) surface water runoff control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.

(d) soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.

(e) hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the solids during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.

Step 4: Preparation of Closure/Certification Report

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified these mitigation measures.

Mitigation Measure 3 – Archaeological Resources

Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in urban historical archeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the archaeological testing recommendations of the project archaeological resources study (Archaeological Resources Study for 425 First Street, Rincon Hill, San Francisco, Anthropological Studies Center, August 2003) at the direction of the Environmental Review Officer (ERO). The project archaeological resources study is an addendum to the San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan (Ziesing 2000). In any instance of inconsistency between the requirements of the project archaeological research design and treatment plan or of the project archaeological resources study and of this archaeological mitigation measure, the requirement of the latter shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

Archaeological Testing Program. The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The project ATP shall be consistent with the testing recommendations of the project archaeological resources study (Anthropological Studies Center. August 2003) that identifies distinct testing strategies for four (4) prioritized Archaeologically Sensitive Areas. The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program. The Archaeological Monitoring Program shall be consistent with the recommendations of the Archaeological Resources Study for 425 First Street, Rincon Hill, San Francisco [One Rincon Hill] (August 2003). Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program. The Archaeological Data Recovery Program shall be consistent with the San Francisco-Oakland Bay Bridge, West Approach Replacement: Archaeological Research Design and Treatment Plan (Ziesing 2000).

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report. The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

E. ALTERNATIVES

The EIR will analyze alternatives to the project that would reduce or eliminate significant environmental effects. The alternatives will include the following:

1. No Project Alternative. The No Project Alternative is required by CEQA. The existing building complex would remain on the site, as would the existing surface parking lot.
2. Preservation Alternative. This alternative would include adaptive reuse of the existing building complex, including the clock tower. This alternative will be developed, in part, based on the results of the Historic Resource Evaluation for the site.
3. Potential other alternatives. As the impacts analysis for the project proceeds, other alternatives may be identified. For example, the EIR may contain a Planning Code Conforming Alternative that would not require rezoning for height, or a Reduced Development Program Alternative.

F. MANDATORY FINDINGS OF SIGNIFICANCE

	Yes	No	Discussed
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history?	X		X
2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?		X	
3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)	X		X
4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X	

The project site is located in the Rincon Hill Area which is currently experiencing other similar development. The project would demolish a building identified as significant in the Rincon Hill Area Plan of the General Plan, and would contribute to cumulative transportation (traffic and transit), and air quality impacts in the Bay Area. These impacts will be analyzed in the EIR.

G. ON THE BASIS OF THIS INITIAL STUDY:

____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.

____ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures, numbers ____, in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

_X_ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DATE: 6-3-04

Joan A Kugler for
PAUL MALTZER
Environmental Review Officer for
GERALD G. GREEN
Director of Planning